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JOURNAL

OF THE

SENATE

OF THE COMMONWEALTH OF

KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE SECOND DAY OF DECEMBER, 1816, AND OF THE COMMONWEALTH THE TWENTY-FIFTH.

Frankfort, Ky.

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1816.

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JOURNAL

OF

THE SENATE.

AT A GENERAL ASSEMBLY, for the Commonwealth of Kentucky, begun and held in the State-House, in the town of Frankfort, on Monday the second day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the twenty-fifth year of the Commonwealth.

On which day (being the day appointed by law for the annual meeting of the General Assembly,) the following members of the senate, appeared and took their seats, to-wit:

Edmund Bullock, from Fayette county; Anthony Bartlett, Henry; Harman Bowmar, Woodford and Jessamine; Abraham Chapline, Mercer; Samuel Churchill, Jefferson and Bullitt; James Chambers, Mason and Lewis; Robert Ewing, Logan; John Faulkner, Garrard; John Griffin, Pulaski and Casey; James Garrard, Bourbon; Daniel Garrard, Knox and Clay; James Hillyar, Ohio, Daviess and Henderson; William Hardin, Grayson, Breckenridge and Butler; Humphrey Jones, Madison; John Lancaster, Washington; James Mason, Montgomery and Estill; William Owens, Green and Adair; Josephus Perrin, Harrison and Bracken; Uriel Sebree, Campbell, Pendleton and Boone; Benjamin South, Bath, Floyd and Greenup; James Simrall, Shelby; John B. Smith, Warren and Allen; David Thompson, Scott; Richard Taylor, Franklin and Gallatin; Hubbard Taylor, Clarke; William Worthington, Muhlenburg, Hopkins and Union; Martin H. Wickliffe, Nelson; William Wood, Cumberland and Wayne; Daniel Waide, Hardin; Matthew Wilson, Christian; Joel Yancey, Barren.

The said John Faulkner, John Griffin, Daniel Garrard, James Hillyar, William Hardin, James Mason, William Owens, John B. Smith, David Thompson, Daniel Waide, Mat-

thew Wilson and Joel Yancey, produced certificates of having been duly elected, and having taken the oaths prescribed by law, severally repaired to their seats as senators.

A quorum consisting of a majority of the whole number of senators being present, and the lieutenant governor being absent, who is administering the government in consequence of the death of the governor; the senate proceeded to elect a Speaker for the occasion, when

Mr. Edmund Bullock, Mr. James Garrard and Mr. Robert Ewing were put in nomination for that office; who immediately withdrew.

A vote was then taken, which stood thus:

For Mr. Bullock—Messrs. Bowmar, Chapline, Churchill, Chambers, Jones, Lancaster, Perrin, South, Thompson, R. Taylor, H. Taylor, Wickliffe and Waide.—13.

For Mr. Ewing—Messrs. Griffin, Hillyar, Owens, Smith, Worthington, Wood, Wilson and Yancey.—8.

For Mr. Garrard—Messrs. Bartlett, Faulkner, D. Garrard, Hardin, Mason, Sebree and Simrall.—7.

Neither of the gentlemen having received a majority of votes, and the lowest on the poll being dropped, another vote was proceeded in, which stood thus:

For Mr. Bullock—Messrs. Bartlett, Bowmar, Chapline, Churchill, Chambers, Faulkner, D. Garrard, Jones, Lancaster, Mason, Perrin, Sebree, South, Simrall, Thompson, R. Taylor, H. Taylor, Wickliffe and Waide.—19.

For Mr. Ewing—Messrs. Griffin, Hillyar, Hardin, Owens, Smith, Worthington, Wood, Wilson and Yancey.—9.

Whereupon Mr. Bullock was declared to be duly elected Speaker of the Senate for the occasion aforesaid; who was forthwith conducted to the chair, by mr. James Simrall and mr, Hubbard Taylor; from whence he made acknowledgments for the honor and confidence conferred and reposed in him, and recommended the preservation of order and decorum.

Willis A. Lee was elected clerk, Anthony Crockett, Sergeant-at-arms and David Johnson door-keeper, unanimously; who thereupon severally took the oaths of office required bylaw.

Ordered, That they give their attendance accordingly.

Mr. Speaker laid before the senate a letter from Ephraim M. Ewing, which was read and laid on the table, to wit:

Gentlemen of the Senate,

Impressed with a high sense of gratitude for the honor conferred on me at the last session, in electing me as committee clerk to your body, I have been induced to lay before you again my pretensions for that office.

I feel conscious that I have not been wanting in *zeal* to discharge my duty in such a manner as should meet the approbation of the house. How far I have succeeded is for you to judge, who were privy to my conduct; and by your votes to fix on me the seal of approbation or disapprobation, of censure or applause.

Should the result be favorable, I shall feel gratified, and thankful to those who may give me their support, in as much as it will be a pleasing proof to me that I have discharged my duty. Respectfully,

E. M. EWING.

A message from the house of representatives by Mr. Blackburn:

Mr. Speaker,

I am instructed to inform the senate that the house of representatives have formed a quorum, and are now ready to proceed to legislative business. And then he withdrew.

Ordered, That a message be sent to the house of representatives informing them that a quorum of the senate have assembled, and are ready to proceed to legislative business, And that the clerk do carry the said message.

Mr. Simrall then moved the following resolution to-wit:

IN SENATE, DECEMBER 2, 1816.

Resolved, By the senate and house of representatives, that a joint committe of three from the senate and six from the house of representatives, be appointed to inform his excellency the lieutenant governor, that the legislature is ready to receive any communications he may think proper to make.

Extract, &c.

WILLIS A. LEE, C. S.

Which being twice read, and the rule dispensed with, was adopted.

Messrs. Simrall, Lancaster and H. Taylor, were appointed on the part of the senate in pursuance thereof.

Ordered, That the clerk acquaint the house of representatives therewith, and request their concurrence.

On motion,

Ordered, That Messrs. J. Garrard, Bowmar, Lancaster, Owens and Ewing be appointed a committee to amend and revise the standing rules of the senate.

A message from the house of representatives by mr. M'Millan:

Mr. Speaker,

The house of representatives have adopted the following resolution, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *December 2, 1816.*

Resolved, By the general assembly of the Commonwealth of Kentucky, that deeply deploring an event which deprived Kentucky of her beloved chief magistrate, and in testimony of the veneration in which the members of the senate and house of representatives cherish the memory of the virtues and services of *George Madison*, they will wear crape on the left arm during the present session.

Extract, &c.

Attest, ROBERT S. TODD, *Clerk.*

In which they request the concurrence of the senate. And then he withdrew.

The resolution was taken up, twice read and concurred in unanimously.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Blackburn :

Mr. Speaker,

The house of representatives concur in the resolution for appointing a joint committee to wait on the lieutenant governor ; and have appointed a committee on their part. And then he withdrew.

The committee then retired, and after some time Mr. Simrall reported that they had performed the duties assigned them ; and had received for answer, that the lieutenant governor would make his communications in writing to each house in their respective chambers to-morrow at 12 o'clock. And then the senate ajourned.

TUESDAY, DECEMBER 3, 1816.

The senate assembled.

Ordered, That a committee of propositions and grievances be appointed ; and a committee was appointed, of J. Garrard, Bartlett, Simrall, South, R. Taylor, Welch, Perrin, Thompson, Worthington, Wood, Waide, Griffin, Wilson, Faulkner, South and Hardin ; and they are to meet and adjourn from day to day, and take into consideration all propositions and grievances that may be refered to them, from time to time, and to report their proceedings with their opinion thereupon to the senate ; and the said committee have power to send for persons, papers and records for their information.

Ordered, That a committee of privileges and elections be

appointed; and a committee was appointed, of Messrs. Ewing, Lancaster, Sebree, Parks, Mason, Wickliffe and Chapline. And they are to meet and adjourn from day to day, and examine in the first place all the returns for the election of senators to serve in the present general assembly, and to compare the same with the form prescribed by law; and to take into consideration all such matters of elections and privileges, and to report their proceedings thereupon to the senate; and the said committee have power to send for persons, papers and records for their information.

Ordered, That a committee for courts of justice be appointed; and a committee was appointed, of messrs. H. Taylor, Owens, Yancey, Sharp, Bowmar, D. Garrard, Chambers, Churchill, Jones and Hillyar; and they are to meet and adjourn from day to day, and to take under consideration all matters relative to courts of justice, and all such other matters as shall from time to time be refered to them; and report their opinion thereupon to the senate. And the said committee are to inspect the journal of the last session, and draw up a statement of the matters there depending, and undetermined, and the progress that was made therein. Also to examine what laws have expired since the last session, or are near expiring; and to report their opinion to the senate which of them are to be revived and continued; and the said committee have power to send for persons, papers and records for their information. Mr. Sharp, a senator from Livingston and Caldwell, appeared and took his seat.

Mr. Garrard from the committee appointed to amend and revise the standing rules of the senate, made the following report, to-wit:

OF THE SPEAKER.

1. Four members of the house may adjourn from day to day, when a sufficient number has not met to proceed to business; and eight, together with the speaker, may call a house and send for absent members, and make an order for their censure or fine.

2. The speaker shall take the chair every day at the hour to which the house shall have adjourned on the preceding day; he shall immediately call the members to order, and on the appearance of a majority, shall cause the journal of the preceding day to be read.

3. He shall preserve decorum and order: may speak to points of order in preference to other members, rising from

his chair for that purpose. He shall decide questions of order subject to an appeal to the house, on request of any two members.

4. He shall appoint committees, subject to addition by of the house.

5. He may state a question sitting, but shall rise to put a question.

6. Questions shall be distinctly put in this form, to-wit —"All you who are of opinion that (as the question may be) say AYE. All you of a contrary opinion say NO."

7. If the speaker doubts, or a division be called for, the house shall divide—those in the affirmative shall go forth, and those in the negative sit still.—If the speaker still doubt, or a counting be required, the speaker shall name two members, one from each side, to count those in the affirmative—whose number being reported, he shall then name two others; one from each side, to count those in the negative; whose number being also reported, he shall rise and state the decision to the house. Provided however, that such division or count shall be allowed at any time before the house shall have proceeded to other business.

8. The speaker shall only vote when the senate are equally divided; and in that case, he shall give the casting vote; which equal division shall be considered to exist in every case where the vote of the speaker, when taken into computation, would give a preponderance to either side. Moreover, in all elections where a joint vote of both houses is required, the speaker may vote, and shall be the first in order.

9. The speaker may name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

10. When the house adjourns the members shall keep their seats until the speaker shall go forth, and then the members may follow.

OF DEBATE.

11. When a member is about to speak in debate, or deliver any matter to the house, he shall rise, and respectfully address himself to Mr. Speaker.

12. If any member in speaking, or otherwise transgresses the rules of the house, the speaker shall, or any member may call to order, and the member called to order, shall immediately sit down, unless permitted to explain; and the house, if appealed to, shall decide on the case without debate: If the decision shall be in favor of the member

called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the house.

13. When two or more members rise at once, the speaker shall name the person who is first to speak.

14. No member shall speak more than twice to the same question without leave of the house; nor more than once until every member in the house chusing to speak, has spoken.

15. Whilst the speaker is putting any question, or addressing thehouse, none shall walk across or out of the house; neither in such case, or when a member is speaking, shall any entertain private discourse, nor whilst a memberis speaking shall pass between him and the chair.

16. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

17. Every member who shall be in the house when a question is put, shall vote on one side or the other, unless the house, for special reasons, shall excuse him.

18. When a motion is made and seconded, it shall be stated by the speaker—or, being in writing, it shall be handed to the chair, and read aloud by the clerk, before debated.

19. Every motion shall be reduced to writing if the speaker or any member desire it.

20. After a motion is stated by the speaker, or read by the clerk, it shall be deemed in the possession of the house; but may be withdrawn at any time before a decision or amendment.

21. When a question is under debate, no motion shall be received, unless to amend it, to commit it, or for the previous question, or to adjourn.

22. A motion to adjourn, shall always be in order, and shall be decided without debate.

23. The previous question being moved and seconded, the question from the chair shall be "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.

24. On a previous question, no member shall speak more than once without leave.

25. Any member may call for a division of the question when the sense will admit of it.

26. A motion for amendment, until it is decided, shall preclude all other amendments of the main question.

27. Motions and reports may be committed at the pleasure of the house.

28. In all cases of elections, there shall be a previous nomination.

29. Petitions, memorials, and other papers addressed to the house, may be presented by any member in his place, who shall state to the house the contents thereof; which may be received, read, and referred, on the same day, to the proper committee, if the house agree thereto.

30. Upon calls of the house for the yeas and nays, on any question, the names of the members shall be called alphabetically.

31. On the call of the house, the doors shall not be shut against any member until his name shall be twice called, and then the absentee shall be noted down by the clerk, and fined one dollar.

32 No new motion or proposition, which totally changes the subject matter, on which the original motion or proposition was designed to operate, shall be admitted under colour of amendment as a substitute for the motion or proposition under debate.

33. No member shall name another member present, in debate.

BILLS, &c.

34. Every bill shall be introduced by motion for leave, in which case, a committee for that purpose shall be appointed; or on the report of a committee, when it shall be the duty of the committee reporting, to prepare the same; and every such motion may be committed.

35. Every bill previous to its passage, shall undergo three readings: one on each day for three days, and free discussion allowed thereon, unless in cases of urgency the house, by a concurrence of four fifths thereof, shall deem it expedient, and dispense with this rule.

36. The general question on the first reading shall be, "Shall the bill be read a second time?"

37. On the second reading of the bill, the speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be, "Whether to a select committee or a committee of the whole house?" And the house shall determine on what day. But if the bill be ordered to be engrossed, the house shall appoint a day when it shall be read a third time: and a bill may be re-committed at any time before its passage.

38. Bills shall be engrossed in a plain hand, and the style shall be, "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

39. When a bill passes it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

40. No memorial or petition shall be received, praying for the division of a county, changing the place of holding any court, or any local matter, unless the purport of such petition or memorial, shall have been fixed at the door of the court house, or other place of holding courts of the county where such alteration is proposed, at two courts, and shall have remained there one day during the sitting of each court, one month at least, previous to offering the same. And that no petition or memorial shall be received, or bill brought in, for establishing ferries, or other matters affecting private right or property, unless the party or parties interested, shall have had one month's notice thereof, if known to the petitioner or petitioners; and if not known, the purport of such memorial, petition or bill, shall be set up at the court house, or other place of holding court, in the manner before directed; and also three times inserted in such public newspaper as the law directs, one month before offering or moving for the same.

41. The bills not finally acted upon, shall be taken up and read in order till they shall all be gone through.

42. After the journals are read on each day, petitions shall be called for by the chair—next reports of the standing committees in the order they are appointed in the journals of the session, and lastly the reports of select committees shall be called for, except the committee of enrollments, who may report at any time during the session of the house, when not excluded by some privileged motion.

OF COMMITTEES OF THE WHOLE.

43. It shall be the standing order of the day throughout the session, for the house to resolve itself into a committee of the whole house on the state of the commonwealth; and in forming a committee of the whole house, the speaker shall leave his chair; and a chairman to preside in committee, shall be appointed by the speaker.

44. Upon a bill being committed to a committee of the whole house, the same shall be first read throughout, by the clerk, and then again read and debated by clauses; leaving the preamble to be last considered. After report, the bill shall

again besubject to debate and amendment by clauses, before a question for engrossing it be taken.

45. All amendments made to an original motion, in committee, shall be incorporated with the motion and so reported.

46. All questions, whether in committee or in the house, shall be disposed of in the order in which they were moved; except that in filling up the blanks the largest sum, and the most remote day, shall be first put.

47. The rules of proceeding in the house shall be observed in committee, so far as they may be applicable; except that of limiting the times of speaking.

48. A majority of any committee shall be a sufficient number to proceed to business.

49. All fines on absent members shall be collected by, and appropriated to the use of the sergeant at arms.

50. Ten o'clock shall be the standing order of adjournment, unless changed by order the house.

51. It shall be the duty of the door-keeper of the senate to close the doors whenever the senate are acting upon nominations.

JOINT RULES OF BOTH HOUSES.

1. WHILE bills are on their passage between the two houses, they shall be on paper, and under the signature of the clerk of each house, respectively.

2. After a bill shall have passed both houses, it shall be duly enrolled on paper (until parchment can be had) by the clerk of the house where the bill shall have originated, before it shall be presented to the governor.

3. When bills are enrolled, they shall be examined by a joint committee of three from the senate, and six from the house of representatives, appointed as a standing committee for that purpose; one of whom on the part of the senate, and two of the house of representatives, shall be sufficient to examine and compare the enrolled with the engrossed bills, as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

4. After examination and report, each bill shallbe signed in the respective houses; first by the speaker of the house of representatives and then by the speaker of the senate.

5. After a bill shall have been thus signed in each house, it shall be presented by the said committee to the governor, for his approbation; it being first endorsed on the back of

the bill, certifying in which house the same originated. Which endorsement shall be signed by the clerk of the house in which the same did originate: and shall be entered on the journal of each house. The said committee shall report the day of presentation to the governor; which time shall be also carefully entered on the journal of each house.

6. All orders and resolutions which are to be presented to the governor for his approbation, shall also be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, is as provided in case of bills.

7. Every order, resolution or vote, to which the concurrence of the senate shall be necessary, shall be read to the house, and laid on the table on a day preceding that in which the same shall be moved, unless the house shall otherwise expressly allow.

8. When any papers may come officially before either branch of the legislature, or any communications from the governor, and are proper to be acted upon by both houses, the house before which such papers are laid, or to which such communications are made, shall, as soon as they have proceeded and acted on the same, lay them before the other house.

9. The door-keeper of the house, shall ring the bell every day at ten o'clock, unless otherwise directed by either house.

Which being twice severally read, was agreed to, except the 51st rule.

And the question being taken on concuring therein, it was resolved in the negative—Yeas 5—Nays 26.

The yeas and nays being required by messrs. Jones and Yancey, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Chambers, J. Garrard, Perrin, Sebree and Simrall.

Those who voted in the negative are, messrs. Bartlett, Bowmar, Chapline, Churchill, Ewing, Faulkner, Griffin, D. Garrard, Hillyar, Hardin, Jones, Lancaster, Mason, Owens, Sharp, South, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wickliffe, Wood, Waide, Wilson and Yancey.

And so the same was rejected.

Ordered, That the public printers be directed to strike forthwith one hundred and fifty copies of the said rules for the use of the members.

The senate then proceeded in the election of a clerk of the standing committees.

Mr. Ephraim M. Ewing and Mr. John Jouitt, were nominated to fill that office; and a vote being taken, stood thus:

For Mr. Ewing—Messrs Chapline, Churchill, Ewing, Faulkner, Griffin, Hillyar, Hardin, Jones, Owens, Perrin, Sharp, Smith, Worthington, Wickliffe, Wood, Wilson and Yancey.—18.

For Mr. Jouitt—Messrs. Bartlett, Bowmar, Chambers, J. Garrard, D. Garrard, Lancaster, Mason, Sebree, South, Simrall, Thompson, R. Taylor, H. Taylor and Waide.—14.

Whereupon Mr. Ewing was declared duly elected, who took the oaths prescribed by law.

Mr. Lancaster presented a petition from sundry inhabitants of Washington county, praying for the erection of an election precinct, agreeably to boundaries therein specified. Which being received, was read and refered to the committee of propositions and grievances.

Mr. D. Garrard presented a petition of Isaac Callaham, Thos. Begley and Archelaus Gibson, who stand charged with murder in Clay county, stating that a fair trial cannot be had in said county, and praying for a change of venue.—Which being received, was read and refered to messrs. D. Garrard, Mason, Hillyar, Owens, Wickliffe, Chambers, Lancaster and Sharp.

Mr. H. Taylor offered the following resolutions, to-wit:

Whereas his excellency George Madison, the governor elect of this commonwealth, after having qualified and entered upon the duties of said office, departed this life; and whereas, Gabriel Slaughter, the lieutenant governor elect, has taken upon himself the administration of the government, and is exercising the power and authority appertaining to the office of governor of this commonwealth, according to the provision of the constitution in such case, made and declared. And whereas, the senate of Kentucky have in pursuance of the provision of the constitution duly elected Edmund Bullock, one of their own body, and the senator elect from the county of Fayette, speaker of the senate, for the occasion aforesaid; who has entered upon the duties of the office of speaker as aforesaid: Therefore,

Resolved, That said Edmund Bullock is by virtue of his said election, speaker of the senate for the residue of the term for which the said lieutenant governor was elected under the constitution.

Resolved, That by the acceptance of the said office of speaker of the senate by the said Edmund Bullock, his seat and office as senator from the county of Fayette, has become vacated.

Resolved, That a writ of election do issue for supplying the

said vacancy of senator for the county of Fayette, for the residue of the senatorial term; and that the said election be held in said senatorial district in and for the county of Fayette, on the day of

Which being received were read and ordered to be laid on the table until Friday next.

On motion,

Ordered, That the four seats on the left of the lobby door, be appropriated to the members of the house of representativesand the officers of government, whenever they choose to attend the debates in the senate.

Ordered, That Mr. Ewing inform the house of representatives thereof.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Ewing; 1, a bill to amend the inspection laws in this commonwealth. On the motion of Mr. Owens; 2d, a bill to regulate the duties of clerks of courts in this commonwealth. On the motion of Mr. Jones; 3d, a bill to compel circuit judges to reside within the bounds of their circuits. On the motion of Mr. Bowmar; 4th, a bill for classing tobacco.

Messrs. Ewing, Wickliffe, Hillyar, Chapline and Chambers, were appointed to prepare and bring in the first. Messrs. Owens, Churchill, Sharp and Hillyar, the second.—Messrs. Jones, Faulkner, Mason and Bowmar, the third.—And Messrs. Bowmar, Simrall, Thompson, H. Taylor and Owens, the fourth.

The senate received a message in writing from the lieutenant governor by mr. secretary Pope, containing his communication; which being read, was laid on the table, to-wit:

Fellow-Citizens of the Senate,

And of the House of Representatives,

I MEET you under circumstances truly distressing to the state, and painful to every lover of good men. Our late Governor, George Madison, first in the confidence and affections of the people, is no more. He was a true patriot; a brave and generous soldier, and blessed with every noble and amiable quality which can adorn the human character. In his death the state has sustained an irreparable loss, which, in common with my fellow-citizens, I sincerely lament. Conscious that I am unequal to the high and important duties of Chief Magistrate of this commonwealth, I would most cheerfully have declined the post which the constitution has assigned me, had this deplorable visitation of Providence and the partiality of my countrymen left me this alternative; But duty commanded me to

meet the responsibility thus devolved; from which, relying for support on a kind Providence, I could not, I will not shrink. Ardently devoted from my youth to the great and essential principles of liberty, as recognized and established by the tenth article of the constitution of this state, in which, among others, it is declared, that all free men when they form a social compact, are equal; and that no man or set of men are entitled to exclusive, separate, public emoluments or privileges from the community, but in consideration of public services; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; my best exertions through life shall be made to perpetuate this best of governments to the latest posterity. It will be to me a consolation, in my closing scene, to believe that my labors have contributed in any, the smallest degree to give strength and duration to this fair fabric of American freedom. It is not my design to discuss at large the merits of our constitution, but the great principles of equal rights and equal justice upon which it is founded, cannot be too often repeated and impressed upon the public mind. However melancholy the event which placed me in the executive chair, I hope to be pardoned for availing myself of this opportunity of returning to my constituents, through you, my sincere thanks for their good opinion and respect manifested for me at the late election.

Deeply impressed with a sense of the importance of the trust, I should despair but for the support I confidently expect from you, with many of whom I have so often mingled feelings and sentiments on the legislative floor. I commence my executive duties fully persuaded that I shall frequently err from want of information and defect of judgment; and that my conduct, when correct, will be often censured from prejudice and mistake. To you, however, and my constituents who have given me so many proofs of their confidence and affection, I pledge myself fairly and faithfully to administer the government according to the republican spirit and principles of our free constitution. I will do every thing in my power to satisfy those who have bestowed on me their suffrages; by a fair and just course to reconcile others, and to advance the freedom and happiness of all. I will discourage party spirit, which so often generates dangerous and corrupt factions, destroys social happiness, distracts the public councils, and deprives the people of the advantages of the united efforts of the wise and good to promote the public welfare. Party spirit, although sometimes unavoidable, is at all times unpleasant,

and often mischievous. Parties too often lose sight of the causes and principles which gave them birth; organize factions, who frequently substitute their will for the will of the people, and by an artful and active course contrive to give tone to public opinion and public affairs. From long observation and experience, I have been led to conclude that true and practical republicanism under our government, consists in an honest and faithful discharge of duty according to the spirit and principles of the constitution; and that although factions may unhappily divide and distress a country, a chief magistrate ought to pursue the union of his fellow-citizens, and the good of the state independently of all parties. Believing that under a government based on the moral feelings and moral power of the people, a just and impartial administration will insure the best and most firm support, I must rest my claim to public approbation, on the integrity of my course, and the good sense and justice of my fellow-citizens. Animated by these views, I do, in the sincerity of my heart, invite a cordial and united effort for the good of our common country.

The late period at which I came into office, must be my apology for omitting to bring to your notice many subjects proper for your consideration: Such omission will be readily supplied by the superior wisdom of the legislature. I will proceed, however, to mention some of those measures which have occurred to me as worthy your attention. When I commenced my official duties, there were on hand twelve hundred muskets with accoutrements, &c. part of which, pursuant to the authority vested in me by law, I have delivered to several independent companies; taking bond and security for their preservation and return; limiting the number to fifty for each company. Whether the law which confines the distribution to the independent companies should not be changed so as to furnish all, without distinction, I submit to your better judgment. It is truly gratifying to witness the military pride which pervades the militia of Kentucky; and whether we ought to rely entirely upon the supply of arms expected from the general government, or provide an additional quantity by purchase or otherwise, you will determine. I feel bound, however, to state my decided opinion in favor of having the militia well armed. Arms produce discipline; inspire a spirit of manly independence; give the people confidence in their strength, and prepare them for resistance to oppression. Many look to the military peace establishment of the United States as a school for discipline; but it is believ-

ed a small army divided and dispersed along our extensive frontier cannot furnish such a field for the acquisition of military knowledge as ought to relax our attention to the militia, justly styled the bulwark of every free state. This view is strengthened by the notoriety of the fact, that the familiar and dexterous use of arms among our citizens, was severely felt by the British forces during the late war. It will be proper to make our militia law conformable to the act of Congress passed at the last session, providing for the appointment of one Colonel, one Lieutenant Colonel, and one Major to each regiment, instead of a Lieutenant Colonel and two Majors. Of the necessity of other changes in our militia system, you are, from your own observation and experience, better able to determine.

I presume you will agree with me that nothing in this government, whose firmest rock is public sentiment, is more worthy of your attention than the promotion of education, not only by endowing colleges or universities upon a liberal plan, but by diffusing through the country seminaries and schools for the education of all classes of the community; making them free to all poor children, and the children of poor persons. At an early period there was granted to each county in the state six thousand acres of land for the establishment and support of schools; this has been productive of some good, but the fund has proved inadequate to meet the enlightened and liberal views of the legislature. It is essentially necessary that schools should be more diffused to suit the convenience of the people. It is believed there are funds within our reach, which in a few years would enable us to establish through the state a system of education which would be attended with incalculable advantages. Knowledge and virtue are every where the surest basis of public happiness; the strongest barriers against oppression; a powerful check to mal-administration, by rendering it necessary for those in power to secure not the blind, but the enlightened confidence of the people. Every child born in the state should be considered a child of the republic, and educated at the public expence, where the parents are unable to do it. Such a system will not only improve the minds and morals of our youth; and thereby render our free institutions more durable; but by thus diffusing the benefits of government throughout the body politic, it will be strengthened in the affections of the people. They will be bound to it by new ties; and more permanency, as well as a more settled character will be given to our population. To effectuate objects so valuable and desirable, I

recommend an enquiry into the titles of lands stricken off to the state and forfeited; a revision of the law of escheat, and for the appointment of escheators, and that such lands with a tax on banks and such corporations, as from their nature are proper subjects of taxation, and such part of the dividends on the bank stock of the state, as can be spared without materially increasing the public burdens, may be appropriated for the purpose of establishing an extensive and convenient system of education. I have gone into the subject of arming our militia and educating our youth, from a conviction that a people who understand their rights and have arms to defend them cannot be enslaved.

The state of our judiciary must ever be a subject of primary importance, and regarded with deep interest by every citizen. Upon the judiciary, every man essentially depends for the preservation and enjoyment of his life, liberty, property and reputation. It is among the first and highest obligations of government to have the laws faithfully executed, and justice ably and impartially administered to the people, without unreasonable expence or delay. To secure these blessings, is the leading motive of mankind, to submit to the restraints and burdens of civil government. Such general and special provisions as are best calculated to remedy the defects and inconveniences in the administration of justice, demand the prompt and efficient attention of the legislature. I had strong doubts of the expediency of the change in our circuit court system, made at the last session; nor have those doubts been removed; but as it has received the sanction of a majority of the representatives of the people, it would seem to me proper to give the system a fair experiment. Frequent changes are unsafe, and generally injurious to the public.—A considerable degree of stability in the institutions and course of a government, is necessary to secure confidence and respect. Instead, therefore, of making any material alteration, I would recommend the adoption of such amendments and regulations as will best remedy its defects.

In proportion as this republican government is precious to every man who loves his neighbor and delights in the freedom and happiness of his fellow beings, should be his vigilance to check all practices calculated to destroy its purity or change its character. To furnish the strongest motives to men, to deserve well of their country, and to make public office and station the reward of qualifications and integrity, would seem to me congenial with the spirit and character of such a government. A practice therefore, which tends to place men-

it without wealth in the shade, and to enable the rich to monopolize the offices of government, has at least an aristocratic tendency, and demands severe reprehension. I therefore, recommend to the legislature a revision of the laws against selling offices, and the enaction of such provisions and penalties as are best calculated to suppress the mischief which seems of late to be increasing.

The Penitentiary demands some notice. It is necessary to repair and enlarge the building, and the nature and variety of the duties are such, that the keeper cannot give to the whole the requisite attention. Besides the consideration that the business is too arduous for one man to superintend, a change in the management of its concerns, seems to me necessary and proper to secure that accountability which ought to characterize every branch of our political economy. It appears to me proper to make it the duty of the keeper to purchase the raw materials, and deliver over the articles manufactured to an agent to be employed by the government to receive, sell and account for them. These suggestions do not proceed from a distrust of the fidelity or diligence of the keeper. He is, I believe, faithful and well qualified for the office.

The removal of obstructions in our smaller navigable streams, and a co-operation with our sister states bordering on the Ohio, for the improvement of the navigation of that river are subjects proper for your consideration. I have, I confess, brought them into view, without having matured any plan to lay before you, and therefore rely on your better judgment and information to devise the means best adapted to the objects.

Pursuant to the authority vested in me by the third section of the first article of the constitution of the United States, I have filled the vacancy occasioned by the resignation of our late senator, the hon. William T. Barry, by the appointment of Martin D. Hardin, Esq. after receiving from that gentleman an assurance that if appointed, he would proceed immediately to the seat of the general government. The necessity of having this state fully represented in the senate of the union, until its vacancy could be filled by your appointment imposed upon me the duty of exercising this power. Having, I trust, performed my duty in this respect, the power and duty of making a choice is now by the constitution devolved upon the legislature.

I cannot close this communication without congratulating you and our constituents upon the health, happiness and plenty for which our state is distinguished. No people have more

reason than ourselves to acknowledge with pious gratitude their dependence on a supreme ruler of nations. Our history furnishes throughout the most signal and almost miraculous proofs of a providential agency in our affairs. God in the abundance of his goodness, has watched over and preserved us in all the trials through which we have passed.—Instead of suffering us to become the slaves of a tyrant, he has re-established in our land, man's dominion over himself, and every assemblage of the representatives of the people furnishes another demonstration, that this great republican experiment will be successful. In him then let us put our trust, the only true and legitimate sovereign whom man should worship and adore; with sincere and grateful hearts, let us supplicate a continuation of his blessings; and with a firm reliance on him, I am ready to proceed with you to perform the task assigned us by our constituents.

GABRIEL SLAUGHTER.

On motion,

Ordered, That the public printers strike forthwith two hundred copies of the said message for the use of the legislature.

And then the senate adjourned.

WEDNESDAY, DECEMBER 4, 1816.

The senate assembled.

Mr. Garrard from the committee selected on the petition of Isaac Cullaham and others, presented a bill; which was received and read the first time, and ordered to be read a second time.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

I am directed to inform the senate that the two first seats on each side of the lobby door are appropriated for the senate, and the officers of government, whenever they choose to visit that house. And then he withdrew.

Mr. Wickliffe moved a resolution which was received, read, amended and concurred in as follows, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, That a joint committee of four from the senate and ten from the house of representatives, be appointed to examine and report the state of the Auditor's office; that two from the senate and six from the house of representatives be appointed to examine and report the state of the Treasurer's office, and that three from the senate and nine from the house

of representatives, be appointed to examine the Register's office, and report the state of the same; and that three from the senate and six from the house of representatives, be appointed to examine and report the state of the Penitentiary house, the books and accounts thereof.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence.

A message from the house of representatives by mr. Coburn:

Mr. Speaker,

The house of representatives have appointed a committee of enrolled bills; and I am directed to request a similar appointment on the part of senate. And then he withdrew.

Mr. Garrard from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration the petition to them refered, and come to the following resolution thereupon, to-wit:

Resolved, That the petition of sundry citizens of Washington county praying an election precinct, is *reasonable*.

Which being received, was twice read and agreed to.

Ordered, That the committee of propositions and grievances prepare and bring in a bill pursuant thereto.

Mr. Owens presented the following resolution, to-wit:

IN SENATE, DECEMBER 4, 1816.

Resolved, By the general Assembly of the commonwealth of Kentucky, that they will by a joint vote of both houses on Thursday the 5th inst. proceed to the election of a senator of the United States, to fill the vacancy occasioned by the resignation of the honorable W. T. Barry.

And the rule being dispensed with, it was twice read and agreed to.

Ordered. That the clerk inform the house of representatives thereof, and request their concurrence.

Mr. Simrall moved the following resolutions, to-wit:

IN SENATE, *December* 4, 1816.

Resolved, That so much of the lieutenant governor's message as relates to the internal improvement of our water courses, be refered to a select committee with power to report by bill or otherwise.

Resolved, That so much of the lieutenant governor's message as relates to the improvement of our military system, and the procurement of arms therefor, be refered to a select committee with power to report by bill or otherwise.

Resolved, That so much of the lieutenant governor's message as relates to the education of the youth of the rising generation, and to seminaries of learning, be refered to a select committee with power to report by bill or otherwise.

Resolved, That so much of the lieutenant governor's message as relates to the revision of the laws relating to the selling of offices, be refered to the committee for courts of justice, with power to report by bill or otherwise.

Resolved, That so much of the lieutenant governor's message as relates to the Penitentiary, be refered to the joint committee raised to examine that institution, with power to report by bill or otherwise.

Which being received, were twice read and agreed to.

Mr. Churchill moved the following resolution, to-wit:

Resolved, By the senate and the house of representatives of the commonwealth of Kentucky, that a committee of five from the senate, and ten from the house of representatives, be appointed to enquire and examine into the state of the Bank of Kentucky pursuant to the charter of said bank, and make report.

Which being twice read and the rule dispensed with, was concurred in

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence.

On motion of Mr. Simrall, leave was given to bring in a bill to incorporate a company to turnpike a road from Lexington to Louisville.

Ordered, That messrs. Simrall, Churchill, Chambers, Sharp, Owens, R. Taylor, Bowmar, J. Garrard, Parks and Thompson, prepare and bring in the same. And then the senate adjourned.

THURSDAY, December 5, 1816.

The Senate assembled.

Mr. Speaker then proceeded to appoint commmittees to prepare and bring in bills upon the several subjects contained in the lieutenant governor's message.

Messrs. Simrall, Chambers and H. Taylor were appointed upon the improvent of navigation.

Messrs. Garrard, Perrin and Thompson upon the militia; and

Messrs. Wood, Wilson, Chapline and Owens upon education.

Messrs. Wickliffe, Yancey, Sebree and Mason were then

selected to examine the Auditor's office; messrs. Bowmar and Ray, the Treasurer's office; messrs. Lancaster, South and Jones, the Register's office; messrs. Faulkner, Perrin and Thompson, the Penitentiary house, and messrs. Churchill, Sharp, Hillyar, J. Garrard and Chambers, the Bank.

Mr. Owens, presented a petition of Richard Slavy and John Francis, praying that the time allowed them for making salt may be extended.

Which being received, was read and refered to messrs. Owens, Churchill, Chapline and Wood.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives concur in the resolution for appointing joint committees to examine the offices, and have appointed committees on their part. They concur in the resolution from the senate for fixing a day on which to elect a senator in congress. And they have adopted the following resolution, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *December* 4, 1816.

Resolved, By the general assembly of the commonwealth of Kentucky, That they will on Tuesday next, by a joint vote of both branches of the legislature, proceed to the election of a senator to represent this state in the senate of the United States, to fill the vacancy occasioned by the resignation of the honorable William T. Barry.

Extract. &c.

Attest, ROBERT S. TODD, C. H. R.

In which they request the concurrence of the senate. And then he withdrew.

The resolution was then read and laid on the table.

Messrs. Chambers, Yancey, Churchill and Faulkner, were appointed a committee of enrolled bills on the part of the senate.

Mr. Hardin presented the following resolution, to-wit:

Resolved, As the opinion of the senate that the senators from the senatorial district composed of the county of Hardin, and that composed of the counties of Breckenridge, Grayson and Butler, shall decide by lot which of them is to be considered the senator of the new district.

Which being twice read, the question was taken on concuring therein, and it was resolved in the negative.

And so the said resolution was rejected.

Mr. Speaker laid before the senate a letter from Matthew Lyon, Esq. offering himself a canditate to fill the office of sen-

ator of the United States; which was read and laid on the table.

The senate then went into the examination of the classification of senators, for the purpose of ascertaining the respective classes, to which the three additional senators should be attached. It was found that the first, third and fourth were not complete.

Tickets were deposited in a box with the respective numbers, one, three and four marked upon them.

The gentlemen then presented themselves, and Mr. Daniel Garrard drew number one, Mr. James Hillyar, number three, and Mr. William Hardin, four.

Whereupon it was declared that those senators were respectively attached to the aforesaid classes.

On the motion of mr. Owens, leave was given to bring in the following bills, to-wit:

A bill to amend the several acts relative to changing of venue in civil cases; and a bill to establish and regulate the town of Campbellsville, in Green county.

Ordered, That messrs. Owens, Wickliffe, Jones and Bowmar, prepare and bring in the former, and messrs. Owens, Chapline and D. Garrard, the latter.

A message from the house of representatives by mr. South:

Mr. Speaker,

I am directed to inform the senate, that the house of representatives are ready to proceed in the election of a senator in congress, and that messrs. Martin D. Hardin, Samuel A. Woodson, Norbon B. Beall and Matthew Lyon, stand on the nomination before that house.

Ordered, That a message be sent to the house of representatives, informing them that the senate is ready to proceed in the said election; that the same gentlemen are in nomination here; and that Mr. J. Garrard carry the said message.

A vote was then taken, which stood thus:

For Martin D. Hardin—Messrs. Bartlett, Churchill, Ewing, Griffin, J. Garrard, D. Garrard, Hardin, Jones, Lancaster, Mason, Owens, Perrin, Simrall, Thompson, R. Taylor, H. Taylor, Wickliffe, Wood, Waide, Wilson and Yancey.—21.

For Mr. Samuel H. Woodson—Messrs. Bullock, Bowmar, Chapline, Faulkner and South.—5.

For Norborn B. Beall—Messrs. Chambers, Sebree, Hillyar and Worthington.—4.

For Matthew Lyon—Messrs. Sharp and Smith.—2.

Messrs. J. Garrard, Hardin and Owens, were appointed a

committee to co-operate with one to be appointed on the part of the house of representatives, in comparing the joint vote, and report to the senate the state thereof; who retired, and after some time returned, and

Mr. Garrard reported, that the joint vote stood thus:

For Martin D. Hardin,	74.
For Samuel H. Woodson,	31.
For Norborn B. Beall,	12.
For Matthew Lyon,	2.

Whereupon the honorable Martin D. Hardin, was declared to be duly elected a senator in the congress of the United States, to supply the vacancy occasioned by the resignation of the honorable William T. Barry.

Mr. James Garrard offered the following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, That they will on Tuesday the 10th instant, proceed to the election of a member to the senate of the United States, for the next senatorial term, to commence on the 4th of March next, in place of the honorable Martin D. Hardin, whose time of service will then expire.

Which being received, and the rule dispensed with, was twice read and concurred in.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence.

A bill for the relief of Isaac Callaham and others, was read the second time, and ordered to be engrossed and read a third time.

The senate received a message in writing from the lieutenant governor, by mr. Waggoner, which was read as follows, to-wit:

Gentlemen of the Senate,

The county court of Madison county at their November term, 1816, nominated to me Nathan Lipscomb and Samuel South, to fill the office of sheriff, for the next constitutional term; but it appears from a certified transcript of the record, which is herewith enclosed, that Green Clay, who is the senior justice of the peace, excepted to the nomination and claimed it as his constitutional right. It further appears from an entry in the executive journal, bearing date the 23d January, 1803, that Green Clay was commissioned as sheriff of the said county, and declined accepting the office, and Robert Caldwell, who was next in the nomination, was commissioned.

Under these circumstances, I have thought it my duty to nominate to you the said Lipscomb for your approbation.—

He not being the senior magistrate, I was doubtful as to my constitutional authority to commission him without your sanction: I think it not improper to state to you that from my view of the constitution, the office of sheriff is intended to compensate the magistrate for a long course of services for which he is not otherwise very liberally provided for; and he should never be deprived of that right without some just exception as exists in the present case.

GABRIEL SLAUGHTER.

December 5th, 1816.

Mr. Simrall then moved the following resolution, to-wit:

Resolved, By the senate of the commonwealth of Kentucky, That the nomination this day made to the senate by his excellency the lieutenant governor, of persons as sheriff of Madison county; this house conceives they have not in this case a constitutional right to interfere, as they conceive the county court of Madison have exercised their constitutional right in making the nomination of a sheriff at their November term.

Which being received, was twice read.

And then the senate adjourned.

FRIDAY, DECEMBER 6, 1816.

The senate assembled.

Mr. J. Garrard from the committee of propositions and grievances, presented a bill to establish an election precinct in the north end of Washington county; which was received, and read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

Mr. Jones from the committee appointed for that purpose, presented a bill to compel circuit judges to reside within the bounds of their circuits; which was received and read the first time and ordered to be read a second time.

Mr. Owens from the committee appointed, presented a bill for the relief of John Francis and Richard Slavy; which was received and read the first time, and ordered to be read a second time.

An engrossed bill for the relief of Isaac Callabam and others, was read the third time.

Resolved, That the said bill do pass, and that the title be, "An act for the relief of Isaac Callaham and others."

Ordered, That the clerk do carry the said bill to the house of representatives, and request their concurrence.

Leave was given to bring in the following bills, to-wit: On the motion of mr. D. Garrard, a bill for the relief of Evan and William Dewees. On the motion of mr. Wickliffe; a bill more effectually to secure the navigation of the Rolling and Beech forks of salt river.

Ordered, That messrs. Garrard, Perrin and Yancey, prepare and bring in the former; and messrs. Wickliffe, Waide and Sharp, the latter.

The nomination of Nathan Lipscomb and the resolution offered thereupon by mr. Simrall yesterday, were taken up and read.

Mr. H. Taylor proposed to amend the said resolution by the following substitute, to-wit:

Resolved, That the senate do not advise and consent to the appointment of Nathan Lipscomb as sheriff; in as much as the appointment constitutionally rests with the county courts and the executive.

Which was received and twice read.

Mr. J. Garrard offered the following in lieu of both the preceding propositions, to-wit:

Resolved, That the nominations of Nathan Lipscomb and Samuel South, two of the justices of the peace of Madison county, for the office of sheriff, laid before this house by his excellency the lieutenant governor, for their advice and consent, which had been excepted to by Green Clay; is a subject not proper for their consideration.

Which being received and twice read, was concurred in.

Mr. Simrall moved the following resolution:

Resolved, That the sergeant-at-arms of the senate be directed to procure three full sets of Littell's laws of Kentucky, for the use of the senate; which being received, was twice read and concurred in, with the following amendment, to-wit: "And that no member shall take a book from the senate chamber, without first applying to the clerk."

The resolutions relative to the speaker of the senate, were taken up and read.

Mr. Simrall moved to amend the first resolution by striking out from the word 'said,' 'lieutenant governor was elected under the constitution.' And insert, "Edmund Bullock was elected a member of this house under the constitution."

Which being received, was twice read.

On the motion of mr. Churchill, this subject was laid on the table until Wednesday next.

And then the senate adjourned.

SATURDAY, DECEMBER 7, 1816.

The senate assembled.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives concur in the resolution from the senate for fixing a day on which to elect a senator in congress for the next senatorial term. They concur also in the resolution for appointing a joint committee to examine the Bank; and have appointed a committee pursuant thereto.—And then he withdrew,

Mr. Garrard from the committee appointed for that purpose, presented a bill for the relief of Evan and William Dewees; which was received and read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

On the motion of mr. J. Garrard, the decision of the senate pronounced yesterday in favor of the resolution which he proposed, touching the nomination of Nathan Lipscomb, as sheriff of Madison county, was re-considered;

And after some examination, the whole matter was ordered to lie for consideration until Monday next.

Leave was given to bring in the following bills:

On the motion of mr. Sharp; 1, a bill for the relief of Samuel Caldwell. On the motion of mr. Owens; 2, a bill to alter the time of holding the county and circuit courts of Casey county. 3, a bill to increase the capital stock of the state Bank.

Messrs. Sharp, Wickliffe and Hillyar, were appointed a committee to prepare and bring in the first. Messrs. Owens, Perrin and Bartlett, the second. And messrs. Owens, Jones, Bowmar and J. Garrard, the third.

Mr. Hardin moved for leave to bring in a bill to repeal the law allowing justices of the peace fees in certain cases.

And the question being taken for leave, it was resolved in the negative. And so the motion was rejected.

Mr. Speaker laid before the senate a letter from the Auditor of public accounts, enveloping several official statements; which were read as follows, to-wit:

AUDITOR'S OFFICE, Dec. 7, 1816.

SIR,

The accompanying documents A, B and C, are required of me by the several acts regulating this department. A shews the balances due the state on the 10th November

last; B, the expenditures of government, for the year ending on the same day; and C, the probable receipts and expenditures of government for the year ending the 10th November, 1817, which you will please lay before your honorable body.

I have the honor to be,
Sir, very respectfully,
Your obedient servant,
J. MADISON, Aud.

The honorable,
E. Bullock.

(A)

A STATEMENT

Of balances due to the state of Kentucky on the 10th day of November, 1816.

Of the revenue collectable by sheriffs, there is due				
for the year	1793	- - -	52	73
do.	do.	94 - - -	219	49
do.	do.	96 - - -	2,566	20
do.	do.	97 - -	7,329	23
do.	do.	98 - - -	101	36
do.	do.	99 - -	217	25
do.	do.	1800 - - -	210	37
do.	do.	1802 - - -	31	99
do.	do.	1803 - - -	1,820	23
do.	do.	1805 - - -	33	67
do.	do.	1806 - -	714	10
do.	do.	1807 - - -	387	64
do.	do.	1808 - - -	35	55
do.	do.	1809 - - -	186	52
do.	do.	1810 - - - -	239	24
do.	do.	1811 - - - -	153	9
do.	do.	1812 - - -	155	58
do.	do.	1814 - - -	4,687	26
Of taxes collected by clerks on law process, deeds, seals, &c. there is due - -			3,084	56
From the clerk of commissioner's for granting war-warrants to settlers on vacant land, -			1,929	
From John Logan, former treasurer, - -			2,965	34
From the Penitentiary institution - -			500	
From the sergeant of the Court of Appeals, -			1,469	
Total			$29,089	40

J. MADISON, Aud.

November 30th, 1816.

(B)

A STATEMENT

Of warrants issued by the Auditor in the year ending the 10th of November, 1816, shewing the amount of each source of expenditure, and the amount of warrants remaining unpaid on the 10th day of November, 1816; also the amount of warrants paid by the Treasurer during the same period.

For the December session, 1815, of the Legislature,	21,181	80
For the salaries of officers of the judiciary department,	20,992	59
For the salaries of officers of the executive department,	10,458	88
For stationary, fuel, &c. for the executive officers,	1,969	35
For assistant judges,	2,922	
For criminal prosecutions,	8,644	58
For military services,	766	3
For the support of lunatics,	5,129	87
For circuit court jailors,	1,529	58
For money refunded for taxes twice paid,	1,374	86
For expresses,	762	10
For postage,	676	84
For completing the state-house,	4,500	
For pensioners,	90	
For negroes executed,	2,050	
For the sergeant of the Court of Appeals,	429	19
For public printing,	1,988	32
For sheriffs comparing polls of election,	667	22
For purchasers of non-resident's land,	2,930	8
For clerks ex-officio services, stationary, &c.	4,013	39
For contingent expences,	4,635	26
For the extinguishment of a debt due to the Bank of Kentucky,	73,000	
For stock in the Bank of Kentucky,	74,800	
For draw-backs on funds appropriated for bank stock,	1,398	53
Total,	246,480	47
Warrants unpaid on the 10th day of November, 1815,	334	66
	246,815	13
From which deduct *warrants paid* by the Treasury, this sum,	246,411	75
Balance unpaid on the 10th day of November, 1816,	403	38

J. MADISON, AUD.

November 30th, 1816.

(C)

AN ESTIMATE

Of the probable receipts and expenditures of government for the year, ending on the 10th day of November, 1817.

EXPENDITURES.

The December session, 1816, of the legislature,		25,000
The salaries of officers of the judiciary department,		24,100
The salaries of officers of the executive department,		8,100
Stationary, fuel, &c. for the executive offices,		2,000
Criminal prosecutions,		9,000
Military services,		1,000
For the support of lunatics,		5,000
For circuit court jailors,		1,600
Money refunded for taxes twice paid, and the redemption of non-resident's lands,	2,500	
Expresses,		700
Postage,		700
Negroes executed,		2,000
Sergeant of the Court of Appeals,		600
Public Printing,		2,000
Sheriffs comparing polls of election,		700
Clerks for their ex-officio services, stationary, &c.		4,000
Contingent expences,		5,000
Of the appropriation made last session for completing the state-house, there remained undrawn on the 10th day of November, 1816,		5,500
Total,		99,500

RECEIPTS.

The dividend on stock held by the state in the Bank of Kentucky,		46,000
Tax on bank stock owned by individuals,		4,500
Tax on deeds, law process, &c. to be accounted for by clerks of the county and circuit courts,		5,000
Of the balanses due on the 10th day of November, 1816, there will be received not less than		5,000
For tax on nonresident's lands, not including those sums which will be paid for the redemption of land heretofore sold,		5,500
From the Register for fees of his office,		1,000
Of the revenue for the year 1815, collectable by sheriffs, due the 2d December, 1816, there was unpaid on the 10th day of November last	57,695 91	
From this sum may be deducted for commission, delinquencies and wolves killed,	11,695 91	
Leaving a balance which will be received of		46,000
Making a total of receipts		113,000

Amount carried forward.

Amount brought over,	113,000
To which add the amount of monies remaining in the treasury on the 10th November, 1816, subject to the ordinary expences of government,	47,210 50
	160,210 50
Deduct the expenditures,	99,500
And there will remain in the Treasury on the 10th day of November, 1817	60,710 50

But few of the commissioners' books for the year 1816 have been received, nor are they expected in time to give from them a statement of the value and number of property subject to taxation. There can, however, be no great difference in the aggregate of the books for the present, and those for the preceding year. Taking then the returns for the year 1815 as a guide, the gross amount of revenue for this year, to be accounted for by sheriffs on the first Monday in December, 1817, will be on

Stud-horses,	1,826 30
Billiard tables,	2,000
Tavern licence,	3,140
$ 83,259,602 value of property at the present rate of taxation	52,0 323
Total	59,003 53

Applicable to the payment of the civil list for the year ending on the 10th day of November, 1818.

J. MADISON, Aud.

A letter from the Treasurer, was also laid before the senate by mr. Speaker, containing his official annual account; which was read as follows, to-wit:

Dr. John P. Thomas, treasurer, to the state of Kentucky.

1816. Nov. 10.	To cash in the treasury, the 10th November, 1815.	$47,642 39
	Do. received of sheriffs since the tenth day of November, 1815, to this day inclusive,	109,461 53
	Clerks of courts, the same time,	5,066 03
	Green river claims, do do	47,424 17
	Missellaneous, do do do	55,574 64
	Vacant land. do do do	26,566 67
	Certificates of sale by register of non-resident land,	3,348 88
	Ditto of non-residents redemption, by Auditor,	7,773 13
	Tellico lands,	654 18
	Total	303,511 62

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To cash in the treasary 10th November, 1816.	57,030 35

CONTRA.

1816. Nov. 10.	By Auditor's warrants paid since the 10th day of Nov. 1815, to this day inclusive,	170,235 99
	Ditto on warrants for bank stock	74,300
	Ditto on drawbacks on Green river lands lost	1,875 76
	Ditto on militia certificates,	69 52
		246,481 27
	Cash in the treasury 10th day of Nov. 1816	$ 57,030 35
	Total	303.511 62

November 30th, 1816.

A bill to compel circuit judges to reside within the bounds of their circuits. A bill for the relief of John Francis and Richard Slavy. And an engrossed bill to establish an election precinct in the north end of Washington county, were severally read; the two former the second time; the latter a third time.

The first was committed to messrs. J. Garrard, Jones and Lancaster. The second was amended at the clerk's table, and ordered to be engrossed and read a third time.

Resolved, That the latter do pass, and that the title be, "an act to establish an election precinct in the north end of Washington county."

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence.

And then the senate adjourned.

MONDAY, DECEMBER 9, 1816.

The senate assembled.

Mr. Parks, a senator from Fleming and Nicholas, appeared and took his seat.

Mr. Churchill presented a petition from the trustees of the Jefferson Seminary, stating that it would redound greatly to the advancement of this institution, if a town were established on an eligible scite in the donation lands opposite to Shawanœ town; and praying that a law may pass for that purpose. Which being received, was read and refered to

messrs. Churchill, Sharp, Hillyar and Owens, who are au-
authorized to report by bill or otherwise.

Mr. H. Taylor from the committee for courts of justice made the following report, to-wit:

The committee for courts of justice have according to order, examined the unfinished business of last session, and do report,

That among the unfinished business they found engrossed bills from the house of representatives of the following titles, to-wit:

An act for the benefit of William Meriwether. An act to establish a bank at Louisville, and a Bank at Lexington, founded on specie capitals. An act to repeal an act concerning champerty and maintenance, approved 22d December, 1798. An act authorizing lotteries for certain purposes. An act for the relief of the widows and heirs of William Harril, John Hopkins and William Harris. An act authorizing certain lotteries. An act for the relief of Sarah Pattillo. An act authorizing a lottery for the benefit of Allen Lodge, No. 24, in the town of Glasgow. An act for the classification of tobacco. An act further to regulate the Transylvania University. An act for the benefit of sundry sheriffs. An act to amend an act entitled an act to authorize joint claimants of unpatented land, to obtain patents under certain regulations.

Also the following bills, which originated in the senate:

A bill to regulate trials in ejectments. A bill to amend and explain the several acts to suppress riots, routs and unlawful assemblies of the people. A bill to amend an act entitled an act to amend and reduce into one the several acts authorizing the apprehending of fugitives from justice. Also a bill which originated in the senate, was reported to the house of representatives and passed that branch with an amendment, of the following title:

An act for the benefit of the sheriffs of Campbell and Floyd counties.

The committee have also had under consideration the following acts, which are about to expire:

An act further to suspend law process in certain cases, approved February 9th, 1816, which will expire the 1st day of February, 1817. It is the opinion of the committee, that this act shall be revived. An act concerning commonwealth's attornies, approved January 26th, 1815, which will expire on the 3d February, 1817. It is the opinion of the committee that this act shall not be revived.

Which being received, was twice read, and so much there-

of, as respects the revival of the act further to suspend law process in certain cases, approved February 9, 1816, was concurred in.

Ordered, That the said committee prepare and present a bill in pursuance thereof.

On motion of mr. Lancaster,

So much of the report as respects commonwealth's attornies, was refered to the committee of the whole house, on the state of the commonwealth.

Mr. Sharp from the committee appointed for that purpose, presented a bill for the benefit of Samuel Caldwell; which was received and read the first time, and ordered to be read a second time.

Mr. J. Garrard from the committee to whom was refered the bill to compel circuit judges to reside within the bounds of their circuits, reported the same with an amendment, which was received, twice read and agreed to.

On motion,

Ordered, That the said bill be refered to a committee of the whole house, on the state of the commonwealth.

Engrossed bills, to-wit: A bill for the relief of William and Evan Dewees; and a bill for the benefit of John Francis and Richard Slavy, were severally read the third time.

Resolved, That the said bills do pass, and that the titles be respectively, "An act for the relief of William and Evan Dewees;" and "an act for the benefit of John Francis and Richard Slavy, and John Barnett and his associates."

Ordered, That the clerk do carry the said bills to the house of representatives, and request their concurrence.

A message from the house of representatives by mr. Helm:

Mr. Speaker,

The house of representatives have adopted the following resolution, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *December* 7, 1816.

Resolved, By the legislature of Kentucky, that the sergeant at arms to the house of representatives be, and he is hereby authorized to purchase and give to George and Work, two Chickasaw Indians, now in Frankfort, blankets and such other articles as they may select to the value of twenty Dollars each; in testimony of the respect we have for the nation and their services in the former and late Indian wars.

Extract, &c.

Attest, ROBERT S. TODD, C. H. R.

Which being twice read, was unanimously disagreed to.

Ordered, That the clerk inform the house of representatives thereof.

The subject in relation to the nomination of Nathan Lipscomb as sheriff of Madison county, was resumed; and

Mr. Hubbard Taylor proposed the following resolution in lieu of the preceding propositions; which being twice read as follows, to-wit:

Whereas, by the 31st section of the 3rd article of the constitution, it is the duty of the county courts in the months of September, October or November, to recommend two proper persons for sheriff, (when necessary,) one of whom the governor shall commission; and if the county court omit in the months aforesaid to make such recommendation, the governor shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

And whereas, it appears by the statement of the governor in the nomination of Nathan Lipscomb, that the county court had recommended in one of the months aforesaid, two persons for sheriff: Therefore,

Resolved, That the senate under the circumstances aforesaid, cannot constitutionally act on the said nomination.

And the question being taken on concuring therein, it was resolved in the affirmative—Yeas 17—Nays 14.

The yeas and nays being required by messrs. Bowmar and Wood, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bowmar, Faulkner, Hillyar, Jones, Lancaster, Owens, Perrin, Parks, Sebree, Sharp, South, Smith, R. Taylor, H. Taylor, Worthington, Wood and Yancey.

Those who voted in the negative are, messrs. Bartlett, Chapline, Churchill, Chambers, Ewing, Griffin, J. Garrard, D. Garrard, Hardin, Simrall, Thompson, Wickliffe, Waide and Wilson.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, containing nominations, which was read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your approbation William Henry, as notary public, in and for the town of Lexington and county of Fayette, in the place of John B. N. Smith, resigned.

Richard S. Wheatly, notary public in and for the town of Maysville, and county of Mason.

GABRIEL SLAUGHTER.

December 9th, 1816.

Resolved, That the senate advise and consent to the said nominations.

On the motion of Mr. Owens, leave was given to bring in the following bills, to-wit: 1, a bill concerning the court of appeals. 2, a bill further to regulate the debt due the commonwealth for the sale of vacant lands.

Messrs. Owens, Sharp and Hillyar, were appointed to prepare and bring in the first; and messrs. Owens, Ewing and Sharp, the second.

Mr. Owens then moved for leave to bring in a bill to regulate the present judiciary system, and reduce the salaries of the judges of the circuit courts. And the question being taken on leave, it was resolved in the affirmative—Yeas 22—Nays 6.

The yeas and nays being required by messrs. Owens and Yancey, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Churchill, Chapline, Ewing, Faulkner, Griffin, D. Garrard, Hillyar, Hardin, Lancaster, Owens, Parks, Sharp, South, Smith, Thompson, H. Taylor, Worthington, Wood, Waide, Wilson and Yancey.

Those who voted in the negative are, messrs. Chambers, J. Garrard, Perrin, Sebree, Simrall and R. Taylor.

Ordered, That messrs. Owens, Ewing, Sharp and Lancaster, prepare and bring in the bill.

Mr. Owens from the committee appointed for that purpose, presented a bill to alter the time of holding the circuit courts of Casey county; which was received and read the first time, and ordered to be read a second time.

And then the senate adjourned.

TUESDAY, DECEMBER 10, 1816.

The senate assembled.

Mr. Wickliffe from the committee appointed for that purpose, presented a bill more effectually to secure the navigation of the Beech and Rolling forks of Salt river; which was received and read the first time, and the rule being dispensed with, it was read a second time, and committed to messrs. Lancaster, J. Garrard, Mason, Bowmar, Owens, Wickliffe and Waide.

On the motion of mr. Perrin, leave was given to bring in a bill for the relief of Taylor and George Noel; and messrs. Perrin, Smith and Sebree, were appointed a committee to prepare and bring in the same.

Mr. Perrin presented a bill in pursuance thereof; which was received and read the first time, and ordered to be read a second time.

Mr. Faulkner from the joint committee of enrollments, reported that the committee had examined sundry enrolled resolutions, and found the same truly enrolled.

Resolution appointing a joint committee to examine the bank of Kentucky. Resolution fixing on a day on which to elect a senator in congress for the next senatorial term. Resolution appointing a joint committee to examine the different offices. Resolution fixing a day on which to elect a senator in congress, to fill the vacancy occasioned by the resignation of the honorable William T. Barry.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled resolutions, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Speaker signed the said resolutions, being those reported by mr. Faulkner to-day; and they were delivered to the joint committee, to be presented to the governor for his approbation.

Mr. Hubbard Taylor offered the following resolution, viz.

Resolved, That the sergeant-at-arms of the senate be directed to procure as soon as possible, a book press for the safe keeping and preservation of the books and papers of the senate; which being twice read, was concured in.

On the motion of mr. Ewing,

Ordered, That the sergeant-at-arms be instructed to invite the commissioners of the public buildings to take a seat within the senate chamber.

A bill for the relief of Samuel Caldwell, and a bill for altering the time of holding the circuit courts of Casey county, were severally read the second time.

The former was refered to messrs. Sharp, Lancaster, Ewing, Garrard, Owens and H. Taylor; and the latter was ordered to be engrossed and read a third time.

The senate received official information from the lieutenant governor by mr. Waggoner, that he did on this day approve and sign enrolled resolutions which orginated in the senate, to-wit:

A resolution appointing a joint committee to examine the Bank of Kentucky. A resolution appointing a joint com-

mittee to examine the different offices. A resolution fixing a day on which to elect a senator in congress, to fill the vacancy occasioned by the resignation of the honorable William T. Barry. A resolution fixing on a day on which to elect a senator in congress, for the next senatorial term.

December 10th, 1816.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Owens from the committee appointed for that purpose, presented a bill to establish and regulate the town of Campbellsville, in Green county; which was received and read the first time, and the rule being dispensed with, it was read the second time, and ordered to be engrossed and read a third time.

On the motion of mr. Owens,

Ordered, That the house of representatives be informed that the senate is now ready to proceed in the election of a senator in congress for the ensuing six years.

Mr. John J. Crittenden, Mr. John Adair and Mr. Benjamin Mills, were then nominated to fill the office.

Ordered, That mr. Owens acquaint the house of representatives therewith.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

I am instructed to inform the senate that the house of representatives are ready to proceed in the election of a senator in congress for the ensuing senatorial term; and that mr. John J. Crittenden, mr. John Adair and mr. Benjamin Mills, stand on the nomination before that house. I am also directed to signify to the senate, that the house of representatives have adopted this rule in conducting the election:

"That in case neither of the candidates should obtain a majority of the whole number upon the first vote, the candidate lowest on the poll, would be dropped, unless any two of them should receive an equal number of votes, in which event a vote would be taken between them, and the lowest on that poll would be dropped." And then he withdrew.

On the motion of Mr. Owens,

The senate agreed to conform thereto.

A vote was then taken, which stood thus:

For Mr. Crittenden—Messrs. Bullock, Bowmar, Chambers, Ewing, Hillyar, Sharp, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wood and Yancey.—13.

For Mr. Adair—Messrs. Bartlett, Chapline, Churchill,

Faulkner, Griffin, Hardin, Lancaster, Owens, Simrall, Wickliffe, Waide and Wilson.—12.

For Mr. Mills—Messrs. J. Garrard, D. Garrard, Jones, Mason, Perrin, Parks, Sebree and South.—8.

Messrs. Ewing, Sharp and Jones, were then appointed a committee to co-operate with one to be appointed on the part of the house of representatives, to compare the joint vote, and report respectively the result thereof: who retired, and after some time returned, and mr. Ewing reported, that the vote stood thus: For mr. Crittenden—45. For Mr. Adair—41. For mr. Mills—33.

Neither of the gentlemen having received a majority of the whole number, another vote was taken for the two highest on the poll, which stood thus:

For mr. Crittenden—Messrs. Bullock, Bowmar, Chambers, Ewing, J. Garrard, D. Garrard, Hillyar, Jones, Perrin, Parks, Sebree, Sharp, South, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wood and Yancey.—20.

For mr. Adair—Messrs. Bartlett, Chapline, Churchill, Faulkner, Griffin, Hardin, Lancaster, Mason, Owens, Simrall, Wickliffe, Waide and Wilson.—13.

The committee then again retired, who after some time returned, and

Mr. Ewing reported, that the joint vote stood thus:

For mr. Crittenden—72. For mr. Adair—47.

Whereupon, mr. John J. Crittenden was declared duly elected a senator in the Congres of the United States, for the ensuing six years, commencing from the fourth day of March next. And then the senate adjourned.

WEDNESDAY, DECEMBER 11, 1816.

The senate assembled.

Mr. Yancey presented a petition from sundry inhabitants of the counties of Barren and Cumberland, praying for the erection of a new county, agreeably to lines therein proposed; which was received and read.

Ordered, That so much of the petition as relates to the county of Barren, be refered to the committee of propositions and grievances.

Mr. Hillyar presented a petition from the trustees of the Henderson Library Company, praying for an act of incorporation; which was received, read and refered to messrs. Hillyar, Ewing and Sharp.

Mr. Lancaster from the select committee to whom was re-

ered the bill more effectually to secure the navigation of the Beech and Rolling forks of Salt river; reported the same without amendment.

Ordered, That the bill be engrossed and read the third time.

The following bills were presented from the respective committees appointed to bring in the same, to-wit:

By mr. Owens—a bill concerning the court of appeals, and by mr. J. Garrard; a bill to amend the act entitled an act, to reduce into one the several acts respecting the militia; which being received, were severally read the first time. The first was ordered to be read a second time; and

The rule being dispensed with, the second bill was read a second, and committed to a committee of the whole house on the state of the commonwealth.

Mr. Wickliffe laid on the table the following resolution, viz.

Resolved, By the general assembly of the commonwealth of Kentucky, That it is inexpedient for any branch of the United States bank to be established in this state at this time; and if the president and directors of said bank should think proper to establish a branch in this commonwealth, we, the people in general assembly, do declare our right to tax said stock, either belonging to the United States or any of its citizens, in the same ratio, that the stock-holders of the Bank of Kentucky, are or may be subject to.

Resolved, That the governor of this commonwealth do forward the foregoing resolution to the president and directors of the United States' Bank.

Mr. H. Taylor moved the following resolution, to-wit:

Resolved, That the Auditor of public accounts be, and he is hereby requested to make out and report to the senate as early as may be, a list of all lands that have been stricken off to the state for the non-payment of taxes, or have been in any other manner forfeited, which may be on file or record in his office; exhibiting in said report the quantity of land in each tract, and the amount of taxes that would be due thereon, under the revenue laws of this state, with such remarks as he may deem necessary, for the full and complete information of the senate, relative to the true situation of those lands.

Which being received, was twice read and concured in.

Mr. Hillyar moved for leave to bring in a bill to amend the several acts regulating appeals; and

Messrs. Hillyar, Hardin and Chambers, were appointed a committee to prepare and bring in the same.

Mr. Sharp moved the following resolution, to-wit:

Resolved, That whenever the senate act upon any exceu-

tive nomination, that a committee appointed for that purpose, shall lay the same before the executive, and report thereof to the senate; which being received, was twice read and concured in.

The resolutions in relation to the speaker of the senate, were taken up and read; and

On the motion of mr. Lancaster, were committed to a committee of the whole house, on the state of the commonwealth.

The senate then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth; mr. H. Taylor in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. Taylor reported that the committee had taken into consideration the resolutions in relation to the speaker of the senate, and had gone through the same with an amendment, which he handed in at the clerk's table, where the same was twice read as follows: strike out the first resolution and insert in lieu thereof the following, to-wit:

Resolved, By the senate of the commonwealth of Kentucky, that by the power vested in them by the constitution of this state in the event of the death of the governor or the lieutenant governor, they have proceeded to elect Edmund Bullock, Esq. their speaker for and during the present session.

The question was then taken on agreeing thereto, and it was resolved in the affirmative—Yeas 20—Nays 12.

The yeas and nays being required by messrs. Bowmar and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Chapline, Churchill, Faulkner, Griffin, J. Garrard, Hillyar, Lancaster, Mason, Perrin, Sebree, Sharp, Smith, Thompson, R. Taylor, Worthington, Wickliffe, Wood, Waide and Wilson.

Those who voted in the negative are, messrs. Bowmar, Chambers, Ewing, D. Garrard, Hardin, Jones, Owens, Parks, South, Simrall, H. Taylor and Yancey.

The question was then taken on the residue of the said resolution, and it was resolved in the negative. And so the same were rejected.

A message from the house representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed the bill from the senate entitled, "an act for the relief of Isaac Callaham and others," with an amendment, in which they request the concurrence of the senate. And then he withdrew.

The amendment was then taken up, twice read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The house of representatives have passed a bill from the sena e entitled, an act to establish an election precinct in the north end of Washington county, with amendments; in which they request the concurrence of the senate.

And then he withdrew.

And then the senate adjourned.

THURSDAY, DECEMBER 12, 1816.

The senate assembled.

Mr. Owens presented a petition from sundry inhabitants of Barren county, praying to be added to the county of Green; which was received and read.

On motion,

Ordered, That the said petition be laid on the table.

Mr. H. Taylor presented a petition from Robert Wellford, of Virginia, stating that he is the owner of 15000 acres of land, patented by Virginia, and supposed to be in the county of Kenhawa; that he has regularly entered the same for taxation in the state of Virginia, until about the year 1815, when it was found that the land lay in Kentucky, and praying that he may be permitted to register the said land, and enter it with the Auditor for taxation.

Mr. Owens presented a petition from William Ray, stating that he has paid a debt as security for one James Bownlee, who has since departed this life, and devised a certain tract of land to Alexander Bownlee and others, who refuse to discharge the debt or subject the land for that purpose; and praying that a law may pass for his relief: which petitions being received and read were severally refered to the committee for courts of justice.

The following bills were presented from the respective committees appointed, to-wit:

By Mr. Owens—a bill to increase the capital of the state bank. By mr. Churchill—a bill establishing a town on the Jefferson Seminary Lands. Which being received, were severally read the first time; the former was ordered to be read a second time; and

The rule being dispensed with, the latter bill was read the second time, and ordered to be engrossed and read the third time.

Mr. Faulkner from the joint committee of enrolments, reported that the committee had examined an enrolled bill for a change of venue, in the case of Isaac Callaham and others, and found the same truly enrolled.

Mr. Hardin moved for leave to bring in a bill to repeal all laws establishing election precincts in this state.

Mr. Owens moved to amend the motion by adding thereto, the words, "except the counties of Green, Adair and Barren."

Mr. Lancaster then offered the following amendment, as a substitute for both propositions, to-wit:

"A bill to repeal all laws respecting election precincts in the nineteeth senatorial district;" which being read was concured in.

The question was then taken on agreeing to the motion thus amended, and it was resolved in the negative. And so the proposition for leave was rejected.

The amendments proposed by the house of representatives to the bill entitled, "an act to establish an election precinct in the north end of Washington county," were taken up, twice severally read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

A bill concerning the court of appeals, and a bill for the relief of Taylor and George Noel, were read the second time and ordered to be engrossed and read the third time.

Engrossed bills, to-wit: A bill to alter the time of holding the circuit courts of Casey county. A bill to establish and regulate the town of Campbellsville, in Green county; and a bill more effectually to secure the navigation of the Beech and Rolling forks of Salt river; were severally read the third time.

Resolved, That the first and second do pass, and that the titles be respectively, "An act to alter the time of holding the circuit and county courts of Casey county; and an act to establish and regulate the town of Campbellsville, in Green county."

Ordered, That mr. Owens do carry the said bills to the house of representatives, and request their concurrence.

On motion,

The third bill was recommitted to messrs. Lancaster, Bowmar, Wickliffe and Wood.

The resolution laid on the table yesterday by mr. Wick-

liffe, in relation to a branch of the United States' bank, was taken up.

On the motion of mr. J. Garrard,

It was committed to a committee of the whole house, on the state of the commonwealth, for Thursday next.

A message from the house of representatives by mr. Coburn:

Mr. Speaker,

The speaker of the house of representatives having signed an enrolled bill, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker then signed the said bill, being the same reported by mr. Faulkner to-day, and it was delivered to the joint committee, to be presented to the governor for his approbation.

The senate then according to the standing order of the day, resolved itself into a committee of the whole house, on the state of the commonwealth, mr. Simrall in the chair; and after some time spent therein, mr. speaker resumed the chair, and mr. Simrall reported that the committee had taken into consideration that part of the report of the committee for courts of justice, which proposes that the law respecting commonwealth's attornies, should not be revived; and had amended the same to read thus: "It is the opinion of your committee that the said act ought to be revived;" which being twice read, was concurred in.

Mr. Simrall further reported, that the committee had taken under consideration a bill to compel circuit judges to reside within their circuits; and had gone through the same with an amendment; which being twice read, was agreed to.

Ordered, That the bill be engrossed and read a third time.

Mr. Simrall also reported, that the committee had taken into consideration a bill to amend the act entitled, an act to reduce into one the several acts respecting the militia; and had made some progress therein, but not having time to go through the same, had directed him to move for leave to sit again.

And then the senate adjourned,

FRIDAY, DECEMBER 13, 1816.

The senate assembled.

Mr. Chambers from the joint committee of enrollments, reported that they had on this day, laid before the lieutenant

governor for his approbation, the enrolled bill entitled, an act for changing the venue in the case of Isaac Callaham and others.

The senate received official information from the lieutenant governor by mr. Waggoner, that he did on this day, approve and sign the said enrolled bill.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Simrall presented a petition from the guardians of the heirs and representatives of Col. Abraham Owen, deceased, stating that executions in the name of the commonwealth against William Johnson, former sheriff of Shelby county, and Aquilla Whitaker, one of his securities, had been levied on certain lands owned by the said heirs, by a purchase by their ancestor, and which was supposed by the Auditor of public accounts to be subject to this execution previous to the conveyance by Whitaker; that Johnson died insolvent, and Whitaker has fled to East Florida; and praying that a law may pass remitting the interest and damages, upon their paying the principal judgment.

Which was received, read and refered to messrs. Simrall, Owens and Sharp, who have leave to report by bill or otherwise.

Bills from the respective committees appointed, were presented, to-wit:

By mr. Owens—a bill relative to the changing of venue in civil cases. By mr. Hillyar—a bill to amend the several acts regulating appeals; which being received, were severally read the first time, and ordered to be read a second time.

Mr. Lancaster from the committee to whom was refered the bill more effectually to secure the navigation of the Beech and Rolling forks of Salt river, reported the same with an amendment; which being received, was twice read and agreed to.

The bill was further amended at the clerk's table, and ordered to be re-engrossed and read again.

A bill to increase the capital stock of the state Bank, was read the second time and committed to a committee of the whole house, on the state of the commonwealth, for Friday next.

Engrossed bills, to-wit: A bill to establish a town on the Jefferson Seminary lands; a bill for the relief of Taylor and George Noel; a bill concerning the court of appeals; and a bill to compel circuit judges to reside within the bounds of their circuits; were severally read the third time.

Resolved. That the said bills do pass, and that the titles be respectively, "an act establishing a town on the Jefferson Seminary lands; an act for the relief of Taylor and George Noel; an act making provision for the trial of certain suits in the court of appeals; and an act to compel circuit judges to reside within the bounds of their circuits."

Ordered. That the clerk do carry the said bills to the house of representatives, and request their concurrence.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, containg a nomination, which was read as follws, to-wit:

Gentlemen of the Senate,

The county court of the county of Harrison having failed to recommend at the terms pointed out by the constitution, two proper persons, one of whom to fill the office of sheriff, and the time of the present sheriff being about to expire, I therefore nominate for your approbation Littleton Robinson, Esq. as sheriff of said county.

GABRIEL SLAUGHTER.

December 13th, 1816.

Resolved, That the senate advise and consent thereto, and that messrs. Perrin, Worthington and Jones, be appointed a committeee to inform the lieutenant governor thereof.

The senate then according to the standing order of the day, resolved itself into a committtee of the whole, mr. J. Garrard in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. J. Garrard reported, that the committee had again taken into consideration a bill to amend the act entitled an act to reduce into one the several acts respecting the militia, and had gone through the same with amendments, which he handed in at the clerk's table, where the same were twice severally read, amended and agreed to, except that offered by mr. Wickliffe, respecting the distribution of arms, which was disagreed to.

And then the senate adjourned.

SATURDAY, DECEMBER 14, 1816.

The senate assembled.

Mr. R. Taylor presented a petition from John A. Markley, of Frankfort, stating that he is a native of Germany, and was a subject of the prince of Baden, that John A. Seitz, who died at Natchez in 1804, was his uncle, and had sent for him for the avowed purpose of making him his heir, but his uncle having departed this life before the petitioner arrived in America, his property fell into other hands; that he has become a citizen naturalized of the United States, and praying that a law may pass cloathing him with power to secure the said estate; which being received, was read and refered to messrs. R. Taylor, Sharp and Lancaster, who have power to report by bill or otherwise.

Mr. Owens from the committee appointed for that purpose, presented a bill further to regulate the debt due the commonwealth, for the sale of vacant land; which was received and read the first time and ordered to be read a second time.

The bill to amend the act entitled an act to reduce into one the several acts respecting the militia, was taken up, and

Mr. Wood offered the following amendment thereto, to-wit: "And be it further enacted, that so much of the law now in force as respects non-commissioned officers and musicians attending brigade trainings, shall be, and the same is hereby repealed, except so much music as the brigade may deem actually necessary;" and the question being taken on agreeing thereto, it was resolved in the negative—Yeas 12—Nays 18.

The yeas and nays being required by messrs. Wood and Ewing, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bowmar, Chapline, Churchill, Griffin, Jones, Lancaster, Owens, Sharp, Smith, Wood, Wilson and Yancey.

Those who voted in the negative are, messrs. Chambers Ewing, Faulkner, D. Garrard, Hillyar, Hardin, Mason, Perrin, Parks, Sebree, South, Simrall, Thompson, R. Taylor, H. Taylor, Worthington, Wickliffe and Waide.

And so the said amendment was rejected.

An engrossed bill more effectually to secure the navigation of the Beech and Rolling forks of Salt river, was read again.

Resolved, That the said bill do pass, and that the title be, "an act more effectually to secure the navigation of the Beech and Rolling forks of Salt river."

Ordered, That the clerk do carry the said bill to the house of representatives, and request their concurrence.

A bill relative to changing of venue in civil cases; and a bill to amend the several acts regulating appeals; were severally read the second time, and committed; the former to messrs. H. Taylor, Owens and Yancey. The latter to messrs. Sharp, Hillyar, Owens, Lancaster, Chambers, Hardin and Faulkner.

Mr. Hardin moved for leave to bring in a bill to repeal the law forming election precincts in Breckenridge and Grayson counties.

Ordered, That messrs. Hardin, Chambers and Lancaster, prepare and bring in the same.

And then the senate adjourned.

MONDAY, December 16, 1816.

The senate assembled.

Mr. Sharp presented a petition from sundry inhabitants of the county of Livingston, praying for the erection of an election precinct, and permission to build a jail in Smithland.

Mr. Chambers presented a petition from the trustees of Maysville, praying that a law may pass authorizing them to dispose of a certain lot of ground, and permitting them to purchase another for the use of a Seminary.

Which being received and severally read, were refered, the former to the committee of propositions and grievances; the latter to messrs. Chambers, Perrin and Smith.

Mr. R. Taylor from the committee appointed for that purpose, presented a bill for the relief John A. Markley, which was received and read the first time and ordered to be read a second time.

Mr. Sharp from the committee to whom was refered, the bill to amend the several acts regulating appeals, reported the same with an amendment, which was received, twice read and agreed to.

Ordered, That the said bill be engrossed and read a third time.

On the motion of mr. Sharp, leave was given to bring in a bill for the benefit of the sheriff of Caldwell county; and messrs. Sharp, Mason and Simrall, were appointed a committee to prepare and bring in the same.

The bill was then presented by mr. Sharp, received and read the first time, and the rule being dispensed with, it was

read a second time and ordered to be engrossed and read a third time.

On the motion of mr. H. Taylor, leave was given to bring in a bill for the relief of the heirs of Edmund Taylor, deceased, of Campbell county, and messrs. H. Taylor, South and Sharp, were appointed to prepare and bring in the same.

Mr. H. Taylor presented the bill, which was received and read the first time, and the rule being dispensed with, it was read the second and third times.

Resolved, That the said bill do pass, and that the title be, "an act for the relief of the heirs of Edmund Taylor, dec. of Campbell county."

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

A bill further to regulate the payment of the debt due the commonwealth, for the sale of vacant lands, was read the second time, and committed to a committee of the whole house on the state of the commonwealth.

The petition from sundry inhabitants of the county of Barren, was taken up, and the notice required by law in such cases having been offered and read, the subject was refered to the committee of propositions and grievances.

The senate then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Wickliffe in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. Wickliffe reported progress.

A message from the house of representatives by mr. Helm:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of Sarah Burris; in which they request the concurrence of the senate

And then he withdrew.

The bill was read the first time, and the rule being dispensed with, it was read a second time and ordered to be read a third time.

And then the senate adjourned.

TUESDAY, DECEMBER 17, 1816.

The senate assembled.

Bills from the respective committees appointed for that purpose, were presented, to-wit:

By mr. Owens—a bill to regulate the present judiciary system, and reduce the salary of the circuit judges. By mr.

Chambers—a bill authorizing the trustees of the town of Maysville to sell their public ground. By mr. Simrall—a bill to incorporate the Lexington and Louisville Turnpike Road Company, and to incorporate the Maysville and Lexington Turnpike Road Company.

Which being received, were severally read the first time; the first and third were ordered to be read a second time, and

The rule of the senate being dispensed with, the second bill was read a second time and ordered to be engrossed and read a third time.

Mr. Bowmar from the joint committee on the Treasurer's Office, made the following report, to-wit:

The joint committee of the senate and house of representatives, have examined the treasurer's office, and compared the vouchers with their entries, and find them correctly entered. A statement herewith reported is the result of an examination.

From the senate.

HERMAN BOWMAR,
RICHARD TAYLOR, Jr.

From the House of Representatives.

WILLIAM P. FLEMING,
FRANCIS H. GAINES,
BENJAMIN DUNCAN,
JAMES FORD,
DAVID C. IRVINE,
NATHAN GAITHER.

Dr. John P. Thomas, treasurer, in account with the state of Kentucky.

1816. Nov. 10.	To cash in the treasury 10th November, 1815.	$47,642 39
	Ditto received of Sheriffs since the 10th Nov. 1815 to this day inclusive,	109,461 53
	Ditto of clerks of court same time,	5,066 3
	Ditto from Green river claims,	47,424 17
	Ditto miscellaneous claims including states' dividend on bank stock, &c.	55,574 64
	Ditto from vacant land,	26,566 67
	Ditto from certificates of sale by register of non-residents' land,	3,348 88
	Amount carried forward,	295,084 27

	Amount brought forward,	295,084 27
	Ditto of non-residents' redemptions, &c. by auditor,	7,773 13
	Tellico land,	654 18
		303,511 62
	To cash remaining in the treasury 10th November, 1816.	$57,030 35

CONTRA.

1816. Nov. 10.	By auditor's warants paid since 10th November, 1815, to this day inclusive,	$170,235 99
	Ditto on warrants for bank stock,	74,300 00
	Ditto on drawbacks on Green river land lost,	1,875 76
	Ditto on militia certificates,	69 52
	Cash in the treasury 10th November, 1816.	57,030 35
		$303,511 62

MISCELLANEOUS CLAIMS.

		D.	C.
1815. Dec. 14.	Samuel Short, 85 acres of third rate land in Pulaski,	17	
27.	John Gilbert, 40 acres in Clay,	8	
	Same on 90 acres in said county,	18	
1816. Jan 6.	William Phelps, 450 acres of third rate, in Clay county in full,	90	
	John Bates, 100 acres of third rate, Clay county.	20	
	John Gilbert, 225 acres in said county,	45	
1815. Dec. 20.	Thomas Metcalfe, a justice of the peace for Nicholas county, the balance due for a stray mare taken up by James Glasco paying the expences of sale, &c.	12	88
1816. Feb. 10.	Lawrence Gordan, the amount received by him as justice of the peace for the sale of a stray mare in Henry county.	2	65
	The heirs of John Robinson, for the state price on 400 acres of Land in Franklin,		
	Amount carried forward,	213	13

	Amount brought forward,	213	13
	see act approved 8th Feb. 1812,	80	
April 15.	John Wallace, for tax of 1812 on land and town lots, value 600 doll.	20	50
1815. Dec. 13.	Gideon Prather, a resident for tax on sundry tracts of land in different names,		35
1816. Jan. 27.	Henry Lodge, for tax on twelve tracts of land in Christian and Livingston counties, containing 285 acres, it having been returned to the auditor by sheriff of Logan,	10	35
1816. Feb. 13.	Jerald Dodge, for amount of his revenue on stud horse at $ 300, And 300 acres land in Breckenridge and tax on this land for 1815,	4	17
Jan. 8.	John L. Martin, Cashier of the Kentucky Insurance Office, tax for 1815, on 1000 shares owned by individuals,	250	
Jan. 27.	Joseph Chandler, for money refunded to him through mistake,	30	
1815. Nov. 30.	Anderson Miller, keeper of the Penitentiary in part of the sum loaned under an act of 1812, approved January, 1813,	2000	
Nov. 21.	Richard Taylor, sergeant to the court of appeals in part of an execution against William Johnson, sheriff of Shelby, and his securities for the revenue of 1802,	93	62
30. 1816	Same for sundry executions as per. certificate,	369	24
Jan. 17.	Same as per certificate,	123	89
18	Same in part of an execution against Charles Query, for balance revenue of 1803,	82	
8.	The bank of Kentucky for the state's dividend which came due the 1st instant,	20,972	15
	For 10,510 shares held by individuals in said institution,	2,627	50
May 31.	William Cook, for 200 acres residents' lands redeemed		91
July 1st.	William P. Roper, in part of an execution against John Kercheval, and collected by said Roper,	70	
	Richard Taylor, sergeant of the court of appeals in part of an execution against Field-		
	Amount carried forward,	26,737	81

	Amount brought forward,	26,737	84
	ing Jones, sheriff of Henderson, for balance of revenue of 1808, *fi. fa.* No. 889	120	
1816.	Richard Taylor, sergeant of the court of appeals, in full, including 18 per cent. in-		
July 6.	terest, on an execution against West Maulding, sheriff of Logan, for balance revenue of 1815,	92	68
	Same in full of an execution against Travis Davis, sheriff of Nelson county, for balance of revenue for 1814,	350	48
1816	Same, the amount of principal and interest		
July 6.	on an execution against Benjamin Gilbert, sheriff of Ohio, and securities with interest at the rate of 18 per cent. per annum from the 1st day of December, 1815, to 4th June 1816.	994	55
	Same, for principal and interest on an execution against Jonathan Hopson, clerk of Warren circuit and county courts, and securities for taxes received on law process, &c. from 1st Oct. 1813, to 1st Oct. 1814,	54	34
July 2.	Bank of Kentucky for the state's dividend six months, ending 1st instant,	25,064	45
Sept. 5.	John Bowman, by John Veech for the redemption of 50 acres of land residents' property with the costs and interest amounting to		84
	Andrew Adams by Joel P. Williams, for 300 acres of land redeemed, it having been sold by sheriff of Mercer, for the tax due for 1813 and 14,		95
Oct. 12.	Mary Hall, for tax and costs of 1812 in redeeming 128 acres of land in Mercer,	1	25
Nov. 7.	Richard Taylor, sergeant of the court of appeals, being debt of William Winslow, execution no. 905,	53	95
8.	Register land office, for fees of office from 1st Oct. 1815, to 1st Oct. 1816.	1,880	61
	Secretary of state, to amount from page 18, this book,	12	35
		55,574	64

Ordered, That the clerk of the senate be permitted to avail himself of the assistance of mr. John Jouitt, during the present session.

A message from the house of representatives by mr. Dallam:

Mr. Speaker,

The house of representatives have passed a bill entitled, "an act to incorporate the trustees of the Christian Academy;" in which they request the concurrence of the senate.

And then he withdrew.

Mr. Simrall offered the following resolution, to-wit:

Resolved, That the rule of the senate which restricts the speaker pro tem. to vote when the house is equally divided, shall be repealed, and the speaker pro tem. shall vote on all questions; and when the yeas and nays are desired, the speaker shall be called alphabetically, and if the house shall be equally divided the question shall be lost.

Which was received, twice read and agreed to.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, containing the nomination of John Pope, Esq. as Secretary of state, which was read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your approbation John Pope, Esq. whose commission will expire with the present session, as secretary of state for this commonwealth.

December 17th, 1816.

GABRIEL SLAUGHTER.

And the question being taken, that the senate advise and consent thereto, it was resolved in the affirmative—Yeas 22 Nays—11.

The yeas and nays being required by messrs. Bartlett and Owens, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bullock, Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, D. Garrard, Hillyar, Hardin, Lancaster, Mason, Owens, Sharp, Simrall, Smith, R. Taylor, Worthington, Wickliffe, Wood, Waide and Wilson.

Those who voted in the negative are, messrs. Bowmar Chambers, J. Garrard, Jones, Perrin, Parks, Sebree, South, Thompson, H. Taylor and Yancey.

Resolved, That the senate advise and consent to the said nomination, and that messrs. Owens, Wickliffe and Sharp, inform the lieutenant governor thereof.

And then the senate adjourned.

WEDNESDAY, DECEMBER 18, 1816.

The senate assembled.

Mr. Owens presented a petition from sundry inhabitants of Mercer county, praying for the erection of an election precinct in said county.

Mr. Chambers presented petitions from sundry citizens of the county of Mason, praying for the incorporation of companies to turnpike the road from Maysville through Lexington to Louisville.

Which being received were severally read: the first was rerefered to the committee of propositions and grievances.—The others were ordered to be laid on the table.

Mr. Hillyar from the committee appointed for that purpose, presented a bill to incorporate the Henderson Library Company; which being received, was read the first time and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read the third time.

Mr. Yancey laid on the table the following resolution:

Resolved, By the general assembly of the commonwealth of Kentucky, That the following amendment be proposed to the constitution of the United States, to-wit: That no law increasing the compensation of the senators and representatives in congress, shall take effect during the congress at which such law shall be enacted.

Resolved, That our senators in congress be instructed, and our representatives requested to use their exertions to procure the passage of the foregoing amendment.

Resolved, That his excellency the lieutenant governor of this commonwealth, be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in congress, and that he also transmit to the executives of the several states like copies, to be laid before the legislatures thereof, soliciting their exertions and co-operation in procuring the aforesaid amendment to be adopted and made part of the constitution of the United States.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. Wickliffe—1, a bill to alter the time of the meeting of the legislature. On the motion of mr. Sharp—2, a bill to legalize certain proceedings in the Warren Seminary. On the motion mr. Jones—3, a bill to amend the laws regulating the allotment of dower, the duty of executors and administrators, and the distribution of estates.—On the motion of mr. Bartlett—4, a bill to regulate the town of Newcastle, in Henry county. On the motion of mr. Se-

bree—5, a bill for the benefit of Frank Spillman, late sheriff of Campbell county; and

Messrs. Wickliffe, Wood and Griffin, were appointed to prepare and bring in the first; messrs. Wilson, Bartlett and Smith, the second; messrs. Jones, R. Taylor, H. Taylor, Sebree, Lancaster and Owens, the third; messrs. Bartlett, Wilson and Owens, the fourth; and messrs. Sebree, Yancey, J. Garrard and South, the fifth.

A bill from the house of representatives entitled an act to incorporate the trustees of the Christian Academy, was read the first time, and the rule being dispensed with, it was read the second time, and ordered to be read a third time.

A bill for the benefit of John A. Markley, and a bill to regulate the present judiciary system, and reduce the salaries of the circuit judges, were read the second time, and committed to a committee of the whole house on the state of the commonwealth.

A bill from the house of representatives entitled an act for the relief of Sarah Burris, was read the third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Metcalfe:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of Archelaus Vanhook, late sheriff of Nicholas county, in which they request the concurrence of the senate. And then he withdrew.

The bill was read the first time, and the rule being dispensed with, it was read a second time, and committed to messrs. Sharp, Parks and Lancaster.

The following engrossed bills were severally read the third time, to-wit: A bill to amend the act entitled an act to reduce into one the several acts respecting the militia. A bill for the benefit of the sheriff of Caldwell county. A bill to amend the several acts regulating appeals. A bill authorizing the trustees of the town of Maysville to sell their public ground.

Resolved, That the said bills do pass, and that the titles be respectively, an act to amend the act entitled an act to reduce into one the several acts respecting the militia. An act for the benefit of the sheriff of Caldwell county. An act to amend the several acts regulating appeals. And an act authorizing the trustees of the town of Maysville to sell their public ground.

Ordered, That mr. J. Garrard do carry the first, and the clerk the others to the house of representatives and request their concurrence.

A bill to incorporate the Lexington and Louisville Turnpike road company, and to incorporate the Maysville and Lexington turnpike road company, was read the second time, and committed to a committee of the whole house on the state of the commonwealth.

Mr. Sharp from the committee appointed for that purpose, presented a bill to legalize certain proceedings of the Warren Seminary; which was received and read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read the third time.

And then the senate adjourned.

THURSDAY, DECEMBER 19, 1816.

The senate assembled.

Mr. J. Garrard from the committee of propositions and grievances made the following report, to-wit:

The committee of propositions and and grievances have according to order, had under consideration the petitions to them refered, and come to the following resolutions thereupon, to-wit:

Resolved, That the petition of sundry citizens of Barren county, praying to be annexed to Green county, *is reasonable*.

Resolved, That the petition of sundry citizens of Livingston county, praying an election precinct, *is reasonable*.

Resolved, That the petition of sundry citizens of Livingston county, praying for permission to build a jail in the town of Smithland, in said county, *be rejected*.

Which being received, was twice read and agreed to.

Ordered, That the said committee prepare and bring in bills in pursuance of the two first resolutions contained in said report.

Bills from the respective committees appointed, were presented, to-wit: By mr. Bartlett—a bill to regulate the town of Newcastle, in Henry county. By mr. Wickliffe—a bill to alter the time of the meeting of the general assembly;

Which being received, were severally read the first time, and ordered to be read a second time.

Mr. Lancaster from the joint committee on the Register's office, made the following report, to-wit:

The joint committee appointed by both branches of the legislature, to examine the situation of the Register's office,

have performed the duty assigned them, and beg leave to report:

That they find the grants which issued on surveys transmitted from Virginia, are recorded in sixteen volumes, with an alphabet. The surveys transmitted from Virginia, tied up in 272 bundles neatly, with new labels and an alphabet, recorded in eleven volumes, with a complete alphabet, all new and in good order. The record of military warrants in two volumes with alphabets, new and in good order. A list of treasury warrants in two volumes, the record of preemption warrants, and a volume of warrants under the proclamation of 1763; the two latter have alphabets, and all in good order.—Two volumes of commissioners' certificates granted in 1779 and 1780, lately transcribed with alphabets, all new and in good order.

The committee find the original record book of surveys from Lincoln county, lodged in the Register's Office not bound nor in a situation to be bound. The sale books of non-residents' land for the year 1800, 1, 2 and 4, have a general alphabet entirely new and in good order; the books are somewhat worn but do not require transcribing. The books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, are recorded we find with alphabets, in good order. Two volumes in which surveys have been registered since 1792, in good order. The surveys are in 138 bundles, with new labels neatly tied up; the record of those surveys compose 14 volumes, not alphabeted; your committee therefore, recommend that the Register be directed to make out alphabets for them. The bundles of surveys are alphabeted and in good order.

The grants issued on treasury warrant surveys since 1792, are recorded in 18 volumes, in good order, to which there is an alphabet much worn and represented as very incorrect, it is therefore recommended that the register be directed to make out another complete alphabet to those 18 volumes. The surveys upon head right claims are registered in 3 volumes, with two alphabets in good order, except interlineations occasioned by transfers. The head right plats and certificates filed in 268 bundles newly labeled and neatly tied up, recorded in 12 volumes, in good order; it is requisite to alphabet those 12 volumes. Grants issued thereon recorded in 20 volumes, with an alphabet, all in good order. Land warrants issued under the act of 1800, by this state, the surveys and grants on the same, as also the Tellico surveys and grants we find in two volumes with alphabets, in good order, and one volume in which those surveys have been registered in like order.

The originals neatly tied up in bundles with new labels.

One volume of surveys under the proclamation of 1763, with a new alphabet both in good order. Two volumes of commissioners' books of 1796, and three of 1798, in good order, one of which is newly transcribed. Anderson's and Croghan's books of entries in good order, with alphabets.—The copy of Lincoln entries, in bad order, and the transcript is represented to your committee as being very incorrect, and that the original record of entries in the surveyor's office of said county of Lincoln, are so mutilated, that a short time may prevent a correct transcript from being obtained. Your committee recommend that the Register be directed and authorized to procure a complete and accurate copy of said original books, with an index to the same, under fashion of the alphabet to May's entries, which we find transcribed in five volumes, in good order, to which are two alphabets on an improved plan, new and in good order. One volume of Green's deputy register of surveys made previous to 1792, we find in tolerable order; one volume of relinquishments in good order. A list of Kentucky land warrants in one volume, under an act of 1814, and a record of the same in one volume.—Thirteen bundles of surveys registered in one volume.—Grants issued thereon recorded in one volume, all in good order. Three volumes in which caveats have been recorded in good order; one volume of commissioners' certificates granted in 1780, &c. with an alphabet, in good order. Your committee recommend that provision be made to pay the Register a reasonable allowance for the services herein required of him, so soon as the same or any one part be completed.

Your committee would further report that the house allotted to the Register of the Land-Office, is quite too small to contain the furniture, books and papers and leave room to transact business, and recommend that such steps may be taken as will enlarge the same.

From the senate.

JOHN LANCASTER, HUMPHREY JONES,
BENJAMIN SOUTH.

From the House of Representatives.

WILLIAM M'MILLAN, JAMESON HAWKINS,
LIBERTY GREEN, ROBERT GILMORE,
GEORGE HELM, DAVID HART.
FRANCIS H. GAINES, RICHARD BARBOUR.

Which being received, was read and laid on the table.

Mr. Hubbard Taylor from the committee to whom was refered the bill relative to changing of venue in civil cases, re-

ported the same with an amendment; which being received, was twice read and agreed to.

Ordered, That the said bill with the amendment, be engrossed and read a third time.

Bills from the respective committees appointed, were presented, to-wit:

By mr. Sebree—1, a bill for the benefit of Frank Spillman, late sheriff of Campbell county. By mr. H. Taylor—2, a bill to increase the active capital of the bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscription on the part of the state. By mr. J. Garrard—3, a bill for an election precinct in the county of Livingston; and 4, a bill to add a part of Barren county to the county of Green; which being received, were severally read the first time, and the rule being dispensed with, the first, third and fourth, were read the second time; the first was amended and committed to messrs. Lancaster, South, Sebree and Chambers; the second was ordered to be read a second time; and

The third and fourth were ordered to be engrossed and read the third time.

Mr. Mason presented a petition of Judith Barrow, praying to be permitted to sell a small tract of land lying in Montgomery county.

Mr. Yancey presented a petition from sundry inhabitants of Barren and Cumberland, praying for the erection of a new county out of the counties aforesaid, according to bounds prescribed.

Which being received, were severally read and refered; the former to messrs. Mason, H. Taylor and Simrall; the latter to the committee of propositions and grievances.

On motion,

Ordered, That the committee of the whole house be discharged from the consideration of the bill for the benefit of John A. Markley, and that the same be engrossed and read the third time.

Mr. Lancaster from the committee to whom was refered the bill for the benefit of Frank Spillman, late sheriff of Campbell county, reported the same without amendment.

Ordered, That the bill with the amendment previously made, be engrossed and read a third time.

A bill from the house of representatives, entitled an act to incorporate the trustees of the Christian Academy, was read the third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills, to-wit: A bill to incorporate the Henderson Library Company; and a bill to legalize certain proceedings of the Warren Seminary, were severally read the third time.

Resolved, That the said bills do pass, and that the titles be respectively, an act to incorporate the Henderson Library Company, and an act to legalize certain proceedings of the Warren Seminary.

Ordered, That the clerk do carry the said bills to the house of representatives and request their concurrence.

The resolutions offered yesterday by mr. Yancey, proposing an article of amendment to the constitution of the United States, was taken up, twice read, and committed to a committee of the whole house on the state of the commonwealth.

The senate then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Lancaster in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. Lancaster reported, that the committee had according to order, taken into consideration a resolution relative to a branch of the United States' bank, and had made some progress therein, but not having time to go through the same, had directed him to move for leave to sit again.

The senate received a message in writing from the lieutenant governor by mr. secretary Pope, containing certain nominations, which were read as follows, to-wit:

Gentlemen of the Senate,

The judges of the circuit courts of this commonwealth, have been appointed since your last session before I came into office, and their commissions will expire at the end of the present sesseion of the legislature: They have been in service near twelve months, and you coming from every part of the state, are better able to judge of their qualifications than myself; and anticipating no doubt that their pretensions would be submitted to your decision, you have probably given some attention to the subject. Finding these gentlemen in office, respect for the acts of my predecessor, who I presume did not make the appointments without good reason and justice to them, have determined me to nominate them all to the senate, where their merits and the objections to them, if any, can be fully, freely and fairly canvassed and considered.

I therefore, nominate for the approbation of the senate, the following gentlemen as judges of the circuit courts of this

commonwealth, to fill the vacancies occasioned by their respective resignations, to-wit:

ADAM BEATTY, HENRY DAVIDGE,
CHRIST. TOMPKINS, HENRY P. BROADNAX,
WILLIAM L. KELLY, WILLIAM M'DOWELL,
BENJAMIN JOHNSON, JOHN TRIMBLE,
BENJ. SHACKELFORD.

Also Alfred Metcalfe, to fill the vacancy occasioned by the resignation of Fortunatus Cosby.

Thomas Montgomery, as judge of the 12th judicial district.

Having understood that the honorable William T. Barry, who is at present judge of the 11th judicial district under a pro tem. commission, declines a re-appointment, I postpone to a future day, the nomination of a judge to that district.

GABRIEL SLAUGHTER.

December 19th, 1816.

On motion,

Ordered, That the said nominations be laid on the table until to-morrow.

Mr. Bowmar presented a petition from sundry citizens of Jefferson, Shelby and Henry counties, praying for the erection of a new county out of the said counties, agreeably to boundaries therein prescribed; which being received, was read, and together with counter petitions presented by mr. Bartlett, were refered to the committee of propositions and grievances.

And then the senate adjourned.

FRIDAY, DECEMBER 20, 1816.

The senate assembled.

Mr. speaker laid before the senate a memorial from Samuel Caldwell, exhibiting charges against Judge Broadnax; also an address from John Hays, containing certain charges against judge Metcalfe.

On motion,

Ordered, That the said papers be laid on the table.

Mr. H. Taylor from the committee for courts of justice made the following report:

The committee for courts of justice have according to order, had under consideration the petitions to them refered, and come to the following resolutions thereupon, to-wit:

Resolved, That the petition of Robert Wellford, praying for a law to pass authorizing him to enter, and pay the taxes on a certain tract of land, not heretofore entered for taxation, *is reasonable*.

Resolved, That the petition of John Rhea, praying that a law may pass subjecting the real estate of James Brownlee, deceased, to the payment of a debt due from the said Brownlee to him, *is reasonable.*

Ordered, That the said committee prepare and bring in bills pursuant thereto.

On the motion of mr. Owens, leave was given to bring in a bill for the relief Andrew Barnett; and messrs. Owens, Bartlett and Hardin, were appointed a committee to prepare and bring in the same.

Mr. Owens presented the bill, which was received and read the first time, and the rule being dispensed with, it was read a second and third times.

Resolved, That the said bill do pass, and that the title be, "an act for the relief of Andrew Barnett."

Ordered, That mr. Owens do carry the said bill to the house of representatives and request their concurrence therein.

Mr. Churchill presented a petition from the trustees of the town of Louisville, praying that a law may pass permitting them to levy an additional tax on said town, which was received, read and refered to messrs. Churchill, Sharp and South, who have leave to report by bill or otherwise.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, containing sundry nominations, which was read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your approbation John Madison, auditor of public accounts, to fill the vacancy occasioned by the resignation of George Madison. William Starling, junr. keeper of the Penitentiary, in place of Anderson Miller, resigned.—Robert George, keeper of the turnpike gate, on the wilderness road, for the ensuing year.

The time for which the sheriff of the county of Henry was commissioned, being about to expire, and it being certified to me, that the county court of said county have failed to recommend at either of the terms pointed out by the constitution a proper person to fill that office, I nominate for your approbation, William Webb, to fill the office of sheriff for the said county, he being the senior magistrate.

GABRIEL SLAUGHTER.

December 20th, 1816.

Resolved, That the senate advise and consent to the nominations of John Madison as auditor of public accounts, and of William Starling, junr. as keeper of the Penitentiary house.

On motion of mr. Jones,

The nomination of Robert George, as keeper of the turnpike, was ordered to be laid on the table; and on the motion of mr. Bartlett, that of William Webb, was committed to messrs. Bartlett, R. Taylor, Simrall and Owens.

Mr. Simrall moved the following resolution, to-wit:

Resolved, By the senate of the commonwealth of Kentucky, That the message of his excellency the lieutenant governor, making nominations of circuit judges of this commonwealth, be refered to a select committee of eleven members, who shall have power to send for persons, papers and records, and hear and examine all communications relative to said nominations, and report to the senate.

Which being twice read, was

On motion,

Ordered, To lie together with the governor's message mentioned, until the seventh day of January next.

A message from the house of representatives by mr. Hunter:

Mr. Speaker,

The house of representatives have passed bills from the senate of the following titles, to-wit:

An act to establish and regulate the town of Campbellsville, in Green county; and an act to establish a town on the Jefferson Seminary Lands, with an amendment to the latter; in which they request the concurrence of the senate. And then he withdrew.

The said amendment was then twice read and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Chambers from the joint committee of enrolments, reported, that the committee had examined enrolled bills, and an enrolled resolution, of the following titles, to-wit:

An act for the relief of Sarah Burriss; and an act to incorporate the trustees of the Christian Academy; and a resolution to wear crape as a testimony of respect to the memory of the late governor George Madison; and found the same truly enrolled.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The speaker of the house of representatives having signed certain enrolled bills and a resolution, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Simrall moved the following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, that when they adjourn on Saturday the twenty first, they will adjourn until Thursday the twenty-sixth instant; which was read and the rule dispensed with.

Mr. J. Garrard moved to amend it by striking out the words "Thursday the twenty sixth," and inserting "Monday the thirtieth," and the question being taken on agreeing thereto, it was resolved in the negative—Yeas 14—Nays 19.

The nays and nays being required by messrs. Ewing and Wood, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker and messrs. Churchill, Chambers, Faulkner J. Garrard, D. Garrard, Hardin, Jones, Mason, Perrin, Parks, R. Taylor, H. Taylor and Wickliff.

Those who voted in the negative are, messrs. Bartlett, Bowmar, Chapline, Ewing, Griffin, Hillyar, Lancaster, Owens, Sebree, Sharp, South, Simrall, Smith, Thompson, Worthington, Wood, Waide, Wilson and Yancey.

And so the said amendment was rejected.

The question was then taken on agreeing to the resolution, and it was resolved in the affirmative—Yeas 19—Nays 14.

The yeas and nays being required by messrs. Wood and Ewing, were as follows:

Those who voted in the affirmative are, mr. speaker, and messrs. Bartlett, Bowmar, Chapline, Churchill, Chambers, Faulkner, J. Garrard, D. Garrard, Hillyar, Jones, Mason, Perrin, Parks, Sebree, Simrall, R. Taylor, H. Taylor and Wickliff.

Those who voted in the negative are, messrs. Ewing, Griffin, Hardin, Lancaster, Owens, Sharp, South, Smith, Thompson, Worthington, Wood, Waide, Wilson and Yancey.

Ordered, That mr. Simrall inform the house of representatives thereof and request their concurrence.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives concur in the resolution for a recess of the general assembly. And then he withdrew.

A bill to alter the time of meeting of the general assembly; 2, a bill to increase the active capital of the bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscriptions on the part of the state; 3, and a bill to regulate the town of Newcastle, in Henry county, were severally read the second time.

The first and third were ordered to be engrossed and read a third time.

The second was committed to messrs. J. Garrard, R. Taylor, Simrall and Owens.

On motion,

The committee of the whole house was discharged from proceeding on the bill to increase the capital of the state bank, and it was refered to the consideration of the committee on the afore-mentioned bill.

Engrossed bills, to-wit: A bill for the relief of John A. Markley. A bill for the benefit of Frank Spillman, late sheriff of Campbell county. A bill for an election precinct in Livingston county. A bill relative to changing of venue in civil cases, were severally read the third time.

Resolved, That the said bills do pass, and that the titles be respectively, "an act for the relief of John A. Markley; an act for the benefit of the sheriff of Campbell and Floyd counties; an act for an election precinct in Livingston county; and an act relative to changing of venue in civil cases."

Ordered, That the clerk do carry the said bills to the house of representatives and request their concurrence.

Mr. Parks from the committee to whom was refered the bill from the house of representatives entitled, an act for the relief of Archelaus Vanhook, late sheriff of Nicholas county, reported the same without amendment.

Ordered, That the said bill be read a third time.

On the motion of Mr. Yancey, leave was given to bring in a bill for the relief John M'Ferrin, sheriff of Barren county; messrs. Yancey, Owens and Ewing, were appointed to prepare and bring in the same.

And then the senate adjourned.

SATURDAY, December 21, 1816.

The senate assembled.

Mr. Speaker signed the enrolled bills reported yesterday by mr. Chambers, and they were delivered to the joint committee of enrollments to be presented to the governor for his approbation.

Mr. J. Garrard from the committee of propositions and grievances made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration the petitions to them refered, and come to the following resolution thereupon, to-wit:

Resolved, That the petition of sundry citizens of Mercer county, praying that a law may pass establishing an election precint in said county, *is reasonable*.

Resolved, That the petition of sundry citizens of Henry, Shelby and Jefferson counties, praying that a law may pass establishing a new county out of parts of the above counties, *be rejected*.

Which being received, was twice read and agreed to.

Ordered, That the committee of propositions and grievances prepare and bring in a bill in pursuance of the first of the said resolutions.

On the motion of mr. Bowmar,

He was permitted to withdraw the petitions and papers in relation to the division of the counties of Jefferson, Shelby and Henry.

Mr. Yancey from the committee appointed for that purpose, presented a bill for the relief of John M'Ferrin, sheriff of Barren county; which was received and read the first time, and

The rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

Engrossed bills, to-wit: A bill to alter the time of meeting of the general assembly. A bill to regulate the town of New-Castle, in Henry county; and a bill for the relief of John M'Ferrin, sheriff of Barren county, were severally read the third time.

Resolved, That the said bills do pass, and that the titles be respectively, "an act to alter the time of meeting of the general assembly; an act to regulate the town of New-Castle, in Henry county; and an act for the relief of John M'Ferrin, sheriff of Barren county."

Ordered, That the clerk do carry the said bills to the house of representatives and request their concurrence.

A bill from the house of representatives entitled, an act for the relief of Archelaus Vanhook, late sheriff of Nicholas county, was read the third time.

Resolved, That the said bill do pass, and that mr. Parks inform the house of representatives thereof.

A message from the house of representatives by mr. Green:

Mr. Speaker,

The house of representatives have passed the bill entitled an act for the benefit of Andrew Barnett. And then he withdrew.

Mr. Chambers from the joint committee of enrolments, reported that the committee had examined an enrolled bill entitled an act to establish election precincts in the counties of Washington, Knox, Fleming and Lewis. Also one entitled an act for the benefit of Andrew Barnett, and a resolution for a recess of

the general assembly, and found the same truly enrolled.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills and a resolution, I am instructed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Speaker then signed the said bills and resolution, being those reported by mr. Chambers to-day; and they were delivered to the joint committee of enrollments to be presented to the lieutenant governor for his approbation.

Mr. Chambers from the said joint committee, reported that the duty was performed accordingly.

The senate received a message in writing from the lieutenant governor, by mr. Secretary Pope, containing official information that he did approve and sign the enrolled bill to establish election precincts in the counties of Washington, Knox, Fleming and Lewis, and a resolution for a recess of the general assembly.

Ordered, That the clerk acquaint the house of representatives therewith.

On the motion of mr. H. Taylor, leave was given to bring in a bill to reduce into one the several acts concerning the conveyance of lands, and making powers of attorney, and to authorize certain descriptions of such instruments to be read as evidence in courts of justice; and messrs. H. Taylor, Smith Perrin, Owens, Sharp, J. Garrard and Lancaster, were appointed to prepare and bring it in.

And then the senate adjourned, until Thursday the 26th instant.

THURSDAY, DECEMBER 26, 1816.

Mr. Speaker and messrs. Owens, South, R. Taylor, Yancey, Smith, Wood, Wilson and Hillyar, attended: A quorum not having assembled to do business, adjourned at half past eleven o'clock, *ante* Meridian.

FRIDAY, DECEMBER 27, 1816.

Mr. Speaker, and messrs. Worthington, Ewing, Wood, Waide, Yancey, Hillyar, Wilson, South, Sharp, Owens, Sebree, Thompson, R. Taylor and Smith, attended and took their seats: A quorum not having assembled to do business, adjourned at eleven o'clock, *ante* Meridian.

SATURDAY, DECEMBER 28, 1816.

Mr. Speaker, and messrs. Sebree, Waide, Ewing, Wilson, Worthington, Hillyar, Owens, Sharp, Smith, R. Taylor, Thompson, South, Simrall, Yancey and Wood, attended and took their seats: A quorum not having assembled to do business, adjourned at half after ten o'clock, *ante* Meridian.

MONDAY, DECEMBER 30, 1816.

The senate assembled.

Mr. speaker laid before the senate a letter from the Auditor of public accounts, together with a list in relation to lands stricken off to the state at the Register's sales, in conformity to a resolution directed to him for the purpose, which were ordered to be laid on the table.

On the motion of mr. Simrall,

The vote given on the report of the committee of propositions and grievances, for the erection of an election precinct in Mercer county, was re-considered, and the said report, together with counter petitions, was re-committed to the consideration of the same committee.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. Sharp—1, a bill for the relief of the widow and heirs of William Harrell, John Stephens and Wm. Harris. On the motion of mr. Wickliff—2, a bill authorizing the county courts to appoint inspectors of flour. On the motion of mr. Simrall—3, a bill to amend the several acts concerning guardians, orphans, masters and apprentices; and messrs. Sharp, Owens, Jones, Wickliff, and Hillyar, were appointed to prepare and bring in the first; messrs. Wickliff, Wilson, Griffin, Worthington and J. Garrard, the second; and messrs. Simrall, Faulkner, H. Taylor and Owens, the third.

Mr. Owens laid on the table the following resolution, viz:

Resolved, By the general assembly of the commonwealth of Kentucky, that when they adjourn on Saturday the twenty fifth day of January, 1817, they will adjourn *sine die*.

The following bills were presented by the respective committees appointed for that purpose, to-wit:

By mr. Sharp—a bill for the relief of the widows and heirs of William Harrell, John Stephens and William Harris. By mr. Simrall—a bill for the benefit of the securities of William Johnson, late sheriff of Shelby county; which being received,

were severally read the first time, and ordered to be read a second time.

On the motion of mr. Jones,

The nomination of Robert George as keeper of the turnpike, laid on the table on the 20th instant, was taken up.

Resolved, That the senate advise and consent to the said nomination.

Messrs. Jones, Lancaster and R. Taylor, were appointed to acquaint the lieutenant governor therewith. And also of the advice and consent of the senate to the nomination of John Madison, as Auditor of public accounts, and to that of William Starling, as keeper of the Penitentiary house, made and done on the twentieth instant.

The senate according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Jones in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. Jones reported that the committee had according to order, taken under consideration, resolutions proposing an article of amendment to the constitution of the United States, and had gone through the same with amendments, which he handed in at the clerk's table, where the same were severally twice read and concurred in.

The question was then taken on the said resolutions as amended, and it was unanimously resolved in the affirmative, as follows, to-wit:

IN SENATE, *December* 30, 1816.

Resolved, By the general assembly of the commonwealth of Kentucky, that the following amendment be proposed to the constitution of the United States, to-wit: That no law increasing the compensation of the senators and representatives in congress, shall take effect until an election for members of the house of representatives of the United States.

Resolved, That our senators in congress be instructed and our representatives requested to use their exertions to procure the passage of the foregoing amendment.

Resolved, That his excellency the lieutenant governor of this commonwealth, be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in congress; and that he also transmit to the executives of the several states like copies, with a request to lay the same before the legislatures thereof, soliciting their exertions and co-operation in procuring the aforesaid amendment, to be adopted and made part of the constitution of the United States.

Extract, &c. WILLIS A LEE, C. S.

Ordered, That mr. Yancey inform the house of representatives thereof, and request their concurrence.

And then the senate adjourned.

TUESDAY, DECEMBER 31, 1816.

The senate assembled.

Mr. Perrin presented a petition from the trustees of the Harrison Academy, praying for permission to sell certain donation lands; which was received, read and refered to the consideration of messrs. Perrin, Sebree and Lancaster, who have power to report by bill or otherwise.

Mr. J. Garrard from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration the petition to them refered, and have come to the following resolution thereupon, to-wit:

Resolved, That the petition of sundry citizens of Mercer county, praying that a law may pass establishing an election precinct in said county, *is reasonable*.

Which being received, was twice read and agreed to.

Ordered, That the committee of propositions and grievances prepare and bring in a bill in pursuance thereof.

A message from the house of representatives by mr. Helm:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to amend an act concerning *venire* men in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Harrison:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the encouraging the importation of goods by the port of New-Orleans; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Metcalfe:

Mr. Speaker,

The house of representatives have passed a bill entitled an act adding a part of Bourbon to the county of Nicholas; in which they request the concurrence of the senate. And then he withdrew.

The said bills were then severally read the first time and ordered to be read a second time.

A message from the house of representatives by mr. Shepard:

Mr. Speaker,

The house of representatives have adopted the following resolution, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *December* 21, 1816.

Resolved, That a joint committee to consist of two from the senate, and four from the house of representatives, be appointed to examine whether any, and if any, what repairs are necessary to be made to the house and lot occupied by the lieutenant governor, and whether any, and if any, what change or addition is necessary to be made in regard to the furniture belonging to the said house, that has been purchased by any appropriation made by the legislature; and if any repairs, &c. should in the opinion of such committee be necessary that they state what in their opinion, will be the probable expence, thereof and report, &c.

Attest, ROBERT S. TODD, C. H. R.

In which they request the concurrence of the senate. And then he withdrew.

The said resolution was then twice read and agreed to; and Messrs. Lancaster and Chapline, appointed in pursuance thereof.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Simrall from the committee on the lieutenant governor's message relative to navigation, made the following report, to-wit:

THE committee to whom was refered that part of the Lieutenant Governor's communication which relates to the internal navigation of our water courses, have had the same under their consideration, and come to the determination of submitting to the General Assembly the following report, to-wit:

It appears to your committee that the subject of the internal improvement of a country, is one which the enlightened statesmen of every age have delighted to dwell on; and certainly there is none upon which the legislature of any country has a more expanded and extensive field to act. Kentucky, blessed with a soil the most productive, which liberally repays the husbandman for his labor, and yields the abundance of the earth with less labor than any other; a country where every necessary of life, with a large surplus for exportation, is annually on hand; and which also furnishes every facility for manufactures in a great degree.

We do not only view it as a country blest with a soil the

most productive, but one which Providence has blest with the means the most natural and easy to transport this great abundance to market. When your committee views the geographical situation of Kentucky, washed by the Ohio river on the North and West the whole extent of her territory, which, for the gentleness of its current, is not equalled by any river in the Atlantic states; which is the great reservoir of the numberless streams which flow through the state in every direction; some of which are navigable for large boats near two hundred miles in extent; nor is there any part of the state where a navigable stream cannot be reached within thirty miles land transportation. With a soil so fertile, and the bounties of nature so abundant, what is wanting but the fostering care of the legislature to aid in and patronize the internal improvement of our happy land?

Your committee would, therefore, call the attention of the legislature to the following, and as they believe, important internal improvements:—

First, the incorporating of turn-pike road companies through different sections of the country leading to the nearest and safest water navigation. The great advantage to the farmer and planter of the interior to have firm and substantial roads for the transportation of his produce to water navigation, is too obvious to need further illustration.

The second and most important subject to which they wish to call your attention, is the improvement of the natural navigation of our rivers and water courses. Those which stand most prominent, and will embrace the greatest part of the population of the state, are the Kentucky river, the Green river, Salt river and Licking river. Your committee are aware that great variety of opinions exists as to the proper mode to be adopted for clearing our rivers of their obstructions to navigation. This variety of opinion is natural, when it is well known that no individuals possess within themselves a full knowledge of the nature, cause and extent of those obstructions; which knowledge your committee think all-important to obtain, before the legislature can act on any general system of improvement with any degree of certainty.

The falls of the Ohio river, at Louisville, is a subject which, in a particular degree, ought to claim the attention of the legislature; that river is the great high-way to market for the produce of a large portion of the states of Kentucky, Ohio, Indiana, and the western parts of Virginia and Pennsylvania; each of said states are deeply interested in a clear and open navigation of that river; and as a variety of opin-

ions exists as to the proper course to pursue to open or clear those obstructions; in order to obtain the best information on that subject, and of obstructions to the internal navigation of our water courses, your committee begs leave to recommend the adoption of the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby authorised to appoint commissioners for the purpose of examining, laying down, and running the whole distance of the Kentucky river, from its mouth to the upper point of navigation; to examine and ascertain all the obstructions to the navigation of said river; to lay down, and cause to be made, a complete map or chart, with its meanders, shewing the different points and places where obstructions are, and the nature of those obstructions, with their opinion of the most easy and complete manner of removing, or otherwise effectuating a safe and easy navigation of said river, particularizing the manner to obtain the object at each point where obstructions are.

Resolved, That the Governor be, and he is hereby authorised to appoint commissioners, for the purpose of examining, laying down, and running the whole distance of the Green river; also commissioners for Salt river, and commissioners for Licking river; who, and each of them, shall do and perform all the duties, and possess all the powers laid down and given to the commissioners appointed for, and to examine the Kentucky river.

Resolved, That the Governor be, and he is hereby authorised to appoint commissioners for the purpose of examining the different channels at the falls of the Ohio, with their opinion on the propriety or practicability of opening each, or either of the channels through said falls, with a plan of each, and the probable cost, together with such other information as they may think necessary to the accomplishment of a free and safe navigation of said falls.

Resolved, That the commissioners hereby authorized to be appointed, shall proceed to the performance of the duties enjoined on them at such time during the ensuing summer, when the situation of the waters will admit of it, and make their report to the governor; who shall lay the same before the General Assembly of Kentucky at their next session.

Resolved, That the commissioners as aforesaid, shall be, and they are hereby authorized to employ such a number of engineers, surveyors, chain-bearers and boat-men as may be necessary to enable them to perform the duties hereby enjoined on them.

Resolved, That the Governor be, and he is hereby authorized to make such allowance to the commissioners, and each of them, for their services, as he may think proper, not exceeding two dollars per day each; which, with the allowance for service to engineers, surveyors, chain-bearers and boatmen, he shall certify to the Auditor of Public Accounts, to be paid out of any money in the treasury.

Resolved, That the Governor be, and he is hereby requested to open a correspondence with the executives of the states of Virginia, Pennsylvania, Ohio and Indiana for the purpose of informing each of the views of this state, as to the obstructions at the Falls of Ohio, and to ascertain how far they, and each, will co-operate to the clearing or removing the same, so as to open a clear and free navigation, and to report to the next General Assembly the result of such correspondence.

Which being received, was read and laid on the table.

Ordered, That one hundred and fifty copies of the said report be immediately printed for the use of the legislature.

Mr. Garrard from the committee to whom was refered the bill to increase the active capital of the bank of Kentucky, by authorizing the sale of a portion of the shares, reserved for subscription on the part of the state; reported the same with an amendment, which being twice read was agreed to.

On motion.

Ordered, That the said bill be laid on the table, and that one hundred and fifty copies thereof, be printed for the use of the legislature.

Mr. Jones laid on the table the following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, that they will on the day of January, proceed to the election of public printer and treasurer; and president and directors of the Bank of Kentucky, on the part of the commonwealth.

A bill for the benefit of the securities of William Johnson; and a bill for the relief of the widows and heirs of William Harril, John Stephens and William Harris, were severally read the second time, and ordered to be engrossed and read a third time.

The rule was dispensed with, and the latter bill was engrossed and immediately read the third time.

Resolved, That the said bill do pass, and that the title be, "an act for the relief of the widows and heirs of William Harril, John Stephens and William Harris."

Ordered, That the clerk do carry the said bill to the house of representatives, and request their concurrence.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The house of representatives have passed bills from the senate of the following titles: An act for the benefit of John Francis and Richard Slavy, and Joseph Barnett and his associates; and an act for the relief of Evan and Wm. Dewees. They have adopted the following resolution, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *December 30th*, 1816.

The arrival of commodore Joshua Barney in Kentucky, at this time revives in our recollection, the distinguished services of that gallant officer during the late war, and particularly at Bladensburgh; wherefore,

Resolved, By the legislature of Kentucky, that the military conduct and achievements of that gentleman during the late war, and on the aforesaid memorable occasion, deserves, and has the admiration of the legislature of Kentucky.

Extract, &c.

Attest. R. S. TODD, C. H. R.

And they have passed bills of the following titles, to-wit: An act to incorporate the trustees of the Allen Seminary. An act giving further time to the purchasers of lots in the town of Lebanon, in Washington county, to improve the same. An act for the relief of Joseph Wood; and an act for the relief of Catharine Bodine; in which resolution and bills, they request the concurrence of the senate. And then he withdrew.

The first of the latter bills was read the first time, and the rule being dispensed with, it was read a second time, and ordered to be read the third time.

The said resolution was twice read and concured in.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Garrard from the committee of propositions and grievances, presented a bill to establish an election precinct in the county of Mercer; which was received and read the first time, and the rule being dispensed with, it was read a second time, and committed to messrs. Owens, Lancaster, Chapline and Sharp.

The resolution laid on the table yesterday by mr. Owens, for a final adjournment, was taken up, twice read and adopted.

Ordered, That the clerk acquaint the house of representatives therewith.

A message from the house of representatives by mr. Ewing:

Mr. Speaker,

The house of representatives have passed a bill entitled an act further to regulate the payment of the debt due the commonwealth, for the sale of vacant land; in which they request the concurrence of the senate. And then he withdrew.

The bill was then read the first time, and the rule being dispensed with, it was read a second time, and committed to a committee of the whole house on the state of the commonwealth.

And then the senate adjourned.

WEDNESDAY, January 1, 1817.

The senate assembled.

Mr. Yancey presented a petition from a number of citizens of Barren county, praying for the erection of a new county, agreeably to certain bounds therein prescribed.

Mr. Sharp presented a petition from certain inhabitants of the county of Christian, stating objections to any proposition which may tend to change the shape of the said county, and praying that no law may be passed which may have such tendency.

Which being received, were severally read, and refered to the committee of propositions and grievances.

Mr. Owens from the committee to whom was refered the bill to establish an election precinct in the county of Mercer, reported the same with an amendment;

Which being received and twice read, was concured in.

Ordered, That the said bill with the amendment, be engrossed and read the third time.

Mr. Churchill from the committee appointed for that purpose, presented a bill concerning the town of Louisville, in Jefferson county;

Which being received, was read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read the third time.

Mr. Bartlett to whom was refered, the nomination of Wm. Webb, Esq. as sheriff of Henry county, reported the following resolution, to-wit:

The select committee to whom was refered the lieutenant governor's nomination of William Webb, Esq. as sheriff for Henry county, have had the same under their consideration and examined documents relative thereto, and have come to the following resolution thereon, to-wit:

Resolved, As the opinion of your committee, that the nomination of the said William Webb, Esq. as sheriff for the county of Henry, ought to be rejected.

Which being received, was twice read and concured in.

Resolved, That the senate do not advise and consent to the said nomination, and that messrs. Bartlett, Simrall and Yancey, acquaint the lieutenant governor therewith.

The senate received a message in writing from the lieutenant governor, by mr. Waggoner, containing certain nominations, which were severally read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your approbation, Richard C. Holder, notary public, in and for the town of Richmond, and county of Madison. John Baker, sheriff of the county of Henry, in place of William Webb, rejected; he being the next senior magistrate in said county.

GABRIEL SLAUGHTER.

January 1, 1817.

Resolved, That the senate advise and consent to the said nominations; and that messrs. Jones, Bartlett and South, acquaint the lieutenant governor therewith.

Mr. Lancaster presented a petition of Hetty P. Pickett, praying for permission to sell certain real estate; which being received, was read and refered to the committee for courts of justice, who have liberty to report by bill or otherwise.

On motion,

The rule was dispensed with, and the engrossed bill to establish an election precinct in Mercer county, was read the third time.

Resolved, That the said bill do pass, and that the title be, "an act to establish an election precinct in Mercer county."

Ordered, That mr. Ewing do carry the said bill to the house of representatives and request their concurrence.

Bills from the house of representatives of the following titles were severally read, to-wit: 1, An act for the relief of Catharine Bodine; 2. an act for the relief of Joseph Wood; 3, an act giving further time to the purchasers of lots in the town of Lebanon, in Washington county, to improve the same; 4. an act adding a part of Bourbon county to the county of Nicholas; 5, an act concerning *venire* men, in this commonwealth; 6, an act for encouraging the importation of goods by the port of New Orleans; 7, and an act incorporating the trustees of the Allen Seminary.

The three former the first time, the four latter the second time. The rule was dispensed with, and the three former

were severally read the second and third times.

Resolved, That the said bills do pass, (the second bill having received an amendment at the clerk's table,) and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

The fourth bill was committed to a select committee. The sixth to a committee of the whole house on the state of the commonwealth, and

The rule being dispensed with, the fifth, and seventh were severally read the third times.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

And then the senate adjourned.

THURSDAY, JANUARY 2, 1817.

The senate assembled.

Mr. J. Garrard offered the following resolution, to-wit:

Resolved, That the committee appointed to report the confirmation of the appointment of John Baker, as sheriff of Henry county, to the executive, be directed to wait on his excellency and request that the confirmation of said Baker be returned to the senate, unless a commission has been issued.

Which was twice read, and the question being taken on agreeing thereto, it was resolved in the affirmative—Yeas 24—Nays 8.

The yeas and nays being required by messrs. Sharp and Faulkner, were as follows, to-wit:

Those who voted in the affirmative are, mr. speaker, and messrs. Chapline, Chambers, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Jones, Lancaster, Mason, Owens, Perrin, Parks, Sebree, South, Simrall, Smith, Thompson, R. Taylor, Worthington, Wickliff, Wilson and Yancey.

Those who voted in the negative are, messrs. Bartlett, Bowmar, Churchill, Hillyar, Sharp, H. Taylor, Wood and Waide.

Mr. Chambers from the committee of enrollments, reported that the committee had examined certain enrolled bills, and found the same truly enrolled, to-wit:

An act for the benefit of John Francis and Richard Slavy, and Joseph Barnett and his associates. An act for the relief of Evan and William Dewees. An act to establish and regulate the town of Campbellsville, in Green county. An act establishing a town on the Jefferson Seminary lands.

Mr. Owens presented a petition from Benjamin Fisher, praying that the time allowed by law for completing certain iron works, in the county of Pulaski, may be extended.

Which being received, was read and refered to the committee of propositions and grievances.

Mr. J. Garrard from the committee of propositions and grievances made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration the petition to them refered, and come to the following resolution thereupon, to-wit:

Resolved, That the petition of sundry citizens of Caldwell county, praying for the removal of their seat of justice from Eddyville, be reported so far reasonable, as that the committee be directed to report a bill appointing commissioners, none of whom to be taken from either of the counties adjoining, to determine which shall be the permanent seat of justice, Eddyville or Mrs. Prince's.

Which being received, was twice read and concured in.

Ordered, That the said committee prepare and bring in a bill in pursuance thereof.

The following bills were presented from the respective committees appointed, to-wit: By mr. H. Taylor—a bill further to suspend law process in certain cases; and a bill for the benefit of doctor Robert Wellford; and by mr. Perrin—a bill for the benefit of the Harrison Academy.

Which being received, were severally read the first time, and ordered to be read a second time.

On motion,

Ordered, That col. Matthew Lyon have leave to withdraw certain documents and papers, which were refered to the consideration of the committee of propositions and grievances.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed certain enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Speaker signed the said bills being those reported by mr. Chambers to-day, and they were delivered to the joint committee of enrollments to be presented to the lieut. governor for his approbation.

On the motion of mr. Owens, leave was given to bring in a bill further to regulate the turnpike wilderness road; and

Messrs. Owens, Griffin, Jones and D. Garrard, were appointed to prepare and bring in the same.

An engrossed bill concerning the town of Louisville, in Jefferson county, was read the third time.

Resolved, That the said bill do pass, and that the title be, an act concerning the town of Louisville in Jefferson county.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

The resolution respecting the election of a public printer, treasurer, and a president and directors of the bank of Kentucky, and the blank therein being filled up with the fourteenth of January,

The resolution was then concured in.

Mr. Bartlett offered the following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, that a committee of two members from the senate and four from the house of representatives, be appointed to confer with printers, for the purpose of ascertaining the terms and manner of executing the public printing for the present year, and make report accordingly.

And the rule being dispensed with, it was twice read and concurred in. And messrs. Bartlett and Simrall, were appointed in pursuance thereof.

Ordered, That the clerk acquaint the house of representatives therewith, and request their concurrence in the said resolutions.

Mr. Perrin from the committee to whom was refered the bill from the house of representatives, entitled an act adding a part of Bourbon county to the county of Nicholas, reported the same with amendments; which being received, were twice read and agreed to.

The bill with the amendments was then read the third time.

Resolved, That the said bill do pass, as amended; and that the title be amended to read, "an act adding a part of Bourbon county to the county of Nicholas; also a part of Nicholas county to the county of Harrison."

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, which was read as follows, to-wit:

Gentlemen of the Senate,

In answer to your resolution of this day, requesting that the confirmation of the nomination of John Baker, as sheriff of Henry county, be returned, unless a commission has been issued thereon, I beg leave to state, that a commission

has been made out and signed, but not issued from the secretary's office. I therefore return the notice of your confirmation of the nomination, conformably to your request.

GABRIEL SLAUGHTER.

January 2d, 1817.

Mr. Chambers from the joint committee of enrollments, reported that the enrolled bills last signed, had been presented to the governor for his approbation.

Mr. Faulkner moved for a re-consideration of the vote confirming the nomination of John Baker, as sheriff of Henry county. And the question being taken on agreeing thereto, it was resolved in the affirmative.

Mr. Simrall then offered the following resolution, to-wit:

Resolved, By the senate, that a committee of three be appointed to wait on his excellency the lieutenant governor, and request him to return to this house the report made of the rejection of William Webb as sheriff of Henry county; and also to request him to withdraw the nomination now depending before the senate of John Baker, as sheriff of said county.

Which was read. And then the senate adjourned.

FRIDAY, JANUARY 3, 1817.

The senate assembled.

Mr. J. Garrard from the committee of propositions and grievances made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration the petition to them refered, and come to the following resolution thereupon, to-wit:

Resolved, That the petition of Benjamin Fisher, praying that a law may pass extending to a longer period the provisions of an act passed in 1814, granting two thousand acres of land to Joseph Love and company, to encourage the building of iron works, and to permit him to locate the aforesaid quantity of land in six or eight surveys, *is reasonable*.

Which being received, was twice read and agreed to.

Ordered, That the said committee prepare and bring in a bill pursuant thereto.

Mr. J. Garrard presented the bill, which was received and read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

Mr. Sharp from the committee to whom was refered the

bill for the benefit of Samuel Caldwell, reported the same without amendment; and the question being taken on engrossing the bill, it was resolved in the negative. And so the said bill was rejected.

A message from the house of representatives by mr. Dollerhide:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico; in which they request the concurrence of the senate. And then he withdrew.

Mr. H. Taylor from the committee for courts of justice presented a bill for the benefit of the widow and heirs of Wilson Pickett, deceased; which was received and read the first time and ordered to be read a second time.

Mr. Chambers from the joint committee of enrollments reported that the committee had examined sundry enrolled bills, and found the same truly enrolled, to-wit:

An act for the relief of William and Evan Dewees. An act for the benefit of John Francis and Richard Slavy, and Joseph Barnett and his associates. An act establishing a town on the Jefferson seminary lands. An act to establish and regulate the town of Campbellsville, in Green county.

An act to incorporate the trustees of the Allen Seminary. An act giving further time to purchasers of lots in the town of Lebanon, in Washington county, to improve the same. An act to amend an act concerning *venire* men in this commonwealth. A resolution approbatory of the conduct of commodore Joshua Barney, during the late war. A resolution appointing a joint committee to examine and report what repairs are necessary to be made to the house and lot occupied by the lieutenant Governor.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker then signed the said bills, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

Mr. J. Garrard from the committee of propositions and grievances, presented a bill for the benefit of Benjamin Fish-

er; which was received and read the first time, and ordered to be read a second time.

Mr. Wickliff from the committee appointed for that purpose, presented a bill authorizing the county courts to appoint inspectors of flour; which was received and read the first time, and the rule being dispensed with, it was read the second time, and committed to messrs. Chambers, Wood, Wickliff, Hillyar, J. Garrard, Simrall and Parks.

On the motion of mr. Ewing, leave was given to bring in a bill for the benefit of Joshua Cates; and messrs. Ewing, Thompson, Perrin, Yancey and Lancaster, were appointed a committee to prepare and bring in the same.

Mr. Owens moved that the resolution for a final adjournment of the general assembly, which was adopted on the thirty first ultimo, be taken up and reported to the house of representatives for their concurrence.

Mr. Garrard moved to postpone the said report until Monday the twentieth instant.

And the question being taken, it was resolved in the negative—Yeas 14—Nays 18.

The yeas and nays being required by messrs. Faulkner and Worthington, were as follows, to-wit:

Those who voted in the affirmative are, mr. speaker, and messrs. Bartlett, Chapline, Chambers, Griffin, J. Garrard, D. Garrard, Lancaster, Perrin, Sebree, Simrall, R. Taylor, H. Taylor and Waide.

Those who voted in the negative are, messrs. Bowmar, Churchill, Ewing. Faulkner, Hillyar, Jones, Mason, Owens, Parks, Sharp, South, Smith, Thompson, Worthington, Wickliff, Wood, Wilson and Yancey.

Mr. Simrall then moved to postpone the same until Monday the thirteenth instant.

And the question being taken thereon, it was resolved in the negative—Yeas 16—Nays 16.

The yeas and nays being required by messrs. Faulkner and Worthington, were as follows, to-wit:

Those who voted in the affirmative are, mr. speaker, and messrs. Bartlett, Bowmar, Chapline, Chambers, Griffin, J. Garrard, D. Garrard, Lancaster, Perrin, Parks, Sebree, Simrall, R. Taylor, H. Taylor and Waide.

Those who voted in the negative are, messrs. Churchill, Ewing, Faulkner, Hillyar, Jones, Mason, Owens, Sharp, South, Smith, Thompson, Worthington, Wickliff, Wood, Wilson and Yancey.

Ordered, That mr. Owens do carry the said resolution to

the house of representatives, and request their concurrence.

The senate then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Thompson in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. Thompson reported that the committee had according to order, taken into consideration a bill to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike road company, and had gone through the same with amendments; which he delivered in at the clerk's table, where the same were twice severally read and concured in.

On the motion of mr. Bowmar,

The bill was re-committed to messrs. Bowmar, Simrall, J. Garrard, H. Taylor, Churchill, Chambers, Parks and Lancaster.

Mr. Chambers from the joint committee of enrollments reported that the bills last signed, had been presented to the lieutenant governor for his approbation.

And then the senate adjourned.

SATURDAY, January 4, 1817.

The senate assembled.

Mr. Yancey presented a petition of a number of inhabitants of Barren county, counter to the petition praying for any division or divisions thereof; which was received, read and refered to the committee of propositions and grievances.

A bill from the house of representatives entitled an act to amend the law authorizing the appropriation of lands acquired by the treaty of Tellico; was read the first time, and ordered to be read a second time.

The following bills were severally read a second time, viz. 1, A bill for the benefit of doctor Robert Wellford; 2, a bill further to suspend law process in certain cases; 3, a bill for the benefit of the Harrison Academy; 4, a bill for the benefit of Benjamin Fisher; 5, a bill for the benefit of the widow and heirs of Wilson Pickett, deceased; were severally read the second time; the first was committed to a committee of messrs. H. Taylor, Bowmar, J. Garrard, D. Garrard, Sharp, South and Lancaster. The second, third and fourth were ordered to be engrossed and read a third time; and

The fifth, together with an amendment offered thereto by mr. Owens, was ordered to lie on the table.

The senate received official information from the lieutenant

governor by mr. Secretary Pope, that he did on yesterday, approve and sign enrolled bills, which originated in the senate, of the following titles:

An act for the relief of William and Evan Dewees. An act for the benefit of John Francis and Richard Slavy, and Joseph Barnett and his associates. An act establishing a town on the Jefferson seminary lands. An act to establish and regulate the town of Campbellsville, in Green county.

Ordered, That the clerk inform the house of representatives thereof.

An engrossed bill respecting the seat of justice of Caldwell county, was

On motion,

Committed to messrs. Owens, Sharp, Churchill and Simrall.

The senate according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Faulkner in the chair; and after some time spent therein, mr. speaker resumed the chair, and mr. Faulkner reported that the committee had according to order, taken into consideration the bill from the house of representatives, entitled an act further to regulate the debt due the commonwealth, for the sale of vacant land; and had gone through the same without amendment.

The bill was then read the third time, and the question being taken on the passage thereof,

It was resolved in the affirmative—Yeas 20—Nays 10.

The yeas and nays being required by messrs. Jones and Wickliff, were as follows, to-wit:

Those who voted in the affirmative are,

Mr. speaker, messrs. Chapline, Chambers, Churchill, Ewing, Griffin, Hillyar, Mason, Owens, Perrin, Parks, Sharp, Simrall, Smith, R. Taylor, H. Taylor, Worthington, Wood, Wilson and Yancey.

Those who voted in the negative are,

Messrs. Bartlett, Faulkner, J. Garrard, D. Garrard, Jones, Lancaster, Sebree, South, Wickliff and Waide.

Resolved, That the said bill do pass, and that mr. Yancey inform the house of representatives thereof.

And then the senate adjourned.

MONDAY, JANUARY 6, 1817.

The senate assembled.

Mr. Yancey from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled "an act further to regulate the debt due the state for the sale of vacant land;" and found the same truly enrolled.

Mr. J. Garrard presented a petition from William Miller Baylor, stating that he entered the service of his country under capt. William Garrard, and continued in the service until the end of the war; that while stationed at Black Rock, he was unhappily thrown in a situation which compelled him to be engaged in a duel; and praying that he may be exempted from the penalty of the law; which was received, read and refered to the committee for courts of justice.

The bill for the benefit of the widow and heirs of William Pickett, deceased, was taken up, and the amendment which was laid on the table, with the bill, was read and agreed to.

Ordered, That the bill with the amendment be engrossed and read a third time.

Leave was given to bring in the following bills:

On the motion of mr. Jones—a bill to explain the law to suppress riots, routs and unlawful assemblies of the people; and on the motion of mr. Bowmar—a bill to increase warehouse rents, and the fees of inspectors of tobacco; and

Messrs. Jones, Parks, Thompson, Faulkner and Perrin, were appointed to bring in the former; and messrs. Bowmar, Hillyar and H. Taylor, the latter.

A bill from the house of representatives entitled an act to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico, was read the second time, and ordered to be read a third time.

Engrossed bills, to-wit: A bill further to suspend law process in certain cases; a bill for the benefit of Benjamin Fisher; and a bill for the benefit of the Harrison Academy; were severally read the third time.

Resolved, That the said bills do pass, and that the titles be respectively, an act further to suspend law process in certain cases; an act for the benefit of Benjamin Fisher; and an act for the benefit of the Harrison Academy.

Ordered, That the clerk do carry the two former, and mr. Perrin the latter bill to the house of representatives and request their concurrence.

The resolution offered by mr. Simrall on Thursday last in

relation to the nomination of the sheriff of Henry county, was taken up and read.

Mr. H. Taylor offered the following amendment thereto, to-wit: after the word "resolved," strike out the residue of the resolution and insert in lieu thereof, the following: 'that the committee who reported the confirmation of John Baker as sheriff of Henry county, be directed to return the same to the lieutenant governor, and inform him that the senate will take no further proceedings thereon;' which being twice read,

The question was taken on agreeing thereto, and it was resolved in the negative. And so the said amendment was rejected.

The question was then taken on agreeing to the resolution, and it was resolved in the affirmative—Yeas 21—Nays 10.

The yeas and nays being required by messrs. Bowmar and Thompson, were as follows, to-wit:

Those who voted in the affirmative are, mr. speaker, and messrs. Chapline, Chambers, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Lancaster, Mason, Owens, Perrin, Sebree, South, Simrall, Thompson, R. Taylor, Worthington, Wickliff, Wilson and Yancey.

Those who voted in the negative are, messrs. Bartlett, Bowmar, Churchill, Hillyar, Parks, Sharp, Smith, H. Taylor, Wood and Waide.

Ordered, That messrs. Owens, J. Garrard and Simrall, be a committee to acquaint the lieutenant governor therewith.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The speaker of the house of representatives having signed an enrolled bill, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker signed the bill, being the same reported by mr. Yancey to-day, and it was delivered to the joint committee to be presented to the lieutenant governor for his approbation.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives have passed a bill entitled an act further to regulate the Christian Academy, and to amend the law establishing an Academy in the county of Caldwell. And they have passed a bill from the senate, entitled an act for the relief of Frank Spillman, late sheriff of Campbell county, with amendments; in which amendments and bill,

they request the concurrence of the senate. And then he withdrew.

Mr. Ewing from the committee of privileges and elections, made following report, to-wit:

The committee of privileges and elections, have had under consideration the sheriff's returns from the several senatorial districts, and do report the following gentlemen elected:

From the sixth senatorial district, composed of the counties of Montgomery and Estill, James Mason.

From the 9th senatorial district, composed of the county of Scott, David Thompson.

From the 18th, composed of the counties of Ohio, Henderson and Davis, James Hillyar.

From the 19th, composed of the counties of Grayson, Breckenridge and Butler, William Hardin, junior.

From the 20th, composed of the county of Hardin, Daniel Waide.

From the 21st, composed of the counties of Knox and Clay, Daniel Garrard.

From the 22d, composed of the counties of Pulaski and Casey, John Griffin.

From the 26th, composed of the county of Christian, Matthew Wilson, for three years, in the place of Young Ewing, resigned.

From the 27th, composed of the counties of Warren and Allen, John B. Smith, for one year, in the place of John Ray, resigned.

From the 28th, composed of the county of Barren Joel Yancey.

From the 30th, composed of the counties of Green and Adair, William Owens.

From the 32d, composed of the county of Garrard, John Faulkner.

Daniel Garrard by lot, has been attached to the first class, and his term of service expires in one year.

James Hillyar to the third class, and his term of service expires in three years.

William Hardin to the 4th class, and his term of service will expire in four years.

Which being received, was twice read and agreed to.

Mr. Ewing from the committee appointed for that purpose, presented a bill for the benefit of Joshua Cates: which was received and read the first time, and ordered to be read the second time.

And then the senate adjourned.

TUESDAY, January 7, 1817.

The senate assembled.

Mr. Speaker laid before the senate a paper containing a recommendation of Judge M'Dowell, from a number of the citizens of Jessamine county; which was read and laid on the table.

Mr. Hardin presented a petition from the county court of Breckenridge, praying for permission to commence and prosecute a suit for damages against the representatives of the individual who engaged to locate their donation lands; which being received, was read and refered to messrs. Hardin, Wilson, Ewing and Hillyar.

Mr. Jones from the committee appointed for that purpose, presented a bill to amend and explain the law to suppress riots, routs and unlawful assemblies of the people; which was received and read the first time, and ordered to be read a second time.

The consideration of the nominations of circuit judges, and the resolution relative thereto, which were laid on the table on the twentieth ult. was resumed; and

The question being taken on the resolution, it was resolved in the negative. And so it was rejected.

Resolved, That the senate advise and consent to the nomination of Adam Beatty, Henry Davidge and Christopher Tompkins, Esqrs. as circuit judges of this commonwealth.

On the motion of Mr. Simrall,

Resolved, That the nomination of Henry P. Broadnax, as a circuit judge, be refered to the consideration of a committee who shall be vested with authority to send for persons, papers and records in relation thereto, for their information.

Messrs. Hillyar, Sharp, Hardin, Worthington, Ewing, Lancaster, Owens, Simrall, H. Taylor, R. Taylor, Bowmar and Churchill, were selected to act under the said resolution, who immediately took charge of the papers upon the subject.

And then the senate adjourned.

WEDNESDAY, January 8, 1817.

The senate assembled.

Mr. Churchill presented a petition from a number of the inhabitants of the county of Barren and Hardin, praying for the erection of a new county out of the counties aforesaid.

Mr. Sharp presented a petition from David James and John Mitchuson, two of the securities of John Beardin, sheriff of

Caldwell county, stating that the said sheriff is insolvent; that some of their co-securities are also insolvent, and some have left the state; and praying that inasmuch as they are very poor, that a remission of the damages, interest and costs of a certain judgment rendered against them in behalf of the commonwealth, may be made.

Which petitions were received, severally read and refered; the former to the committee of propositions and grievances; the latter to the committee for courts of justice.

A message from the house of representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act for the relief of Taylor and George Noel, with an amendment; in which they request the concurrence of the senate. And then he withdrew.

Mr. Speaker laid before the senate certain papers, relative to the nomination of Benjamin Johnson, Esq. as a judge of the circuit court; which were laid on the table.

The nominations of the circuit judges were again resumed.

Resolved, That the senate advise and consent to those of William L. Kelly, Benjamin Shackelford and Thomas Montgomery, Esquires, as judges of the circuit courts of this commonwealth.

On motion,

Ordered, That the nominations of William M'Dowell and John Trimble, Esqrs. be laid on the table.

That of Benjamin Johnson, Esq. was committed with certain documents to messrs. Thompson, Chambers, R. Taylor, Parks, H. Taylor, Bartlett, Hardin, Bowmar, Waide, Griffin, Owens, Ewing, Sebree, Yancey, D. Garrard and Sharp.

The question was taken, that the senate advise and consent to the nomination of Alfred Metcalfe, Esq. and it was resolved in the affirmative—Yeas 21—Nays 10.

The yeas and nays being required by messrs. J. Garrard and Chambers, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Churchill, Chambers, Ewing, Faulkner, Griffin, Hillyar, Hardin, Mason, Owens, Perrin, Sebree, Sharp, Smith, Thompson, R. Taylor, Worthington, Wickliff, Wood, Waide and Wilson.

Those who voted in the negative are, messrs. Bartlett, Bowmar, J. Garrard, D. Garrard, Jones, Lancaster, South Simrall, H. Taylor and Yancey.

Resolved, That the senate advise and consent to the said

nomation of the said Alfred Metcalfe, as a circuit judge in this commonwealth.

A message from the house of representatives by mr. Rowan :

Mr. Speaker,

The house of representatives have adopted the following resolution, to-wit :

IN THE HOUSE OF REPRESENTATIVES, *January* 8, 1817.

Resolved, By the legislature of the commonwealth of Kentucky, That the recurrence of this day is calculated to awaken in every American bosom sensations of joy and gratulation. The 8th day of January, 1815, was distinguished by a victory the more splendid as it was achieved by the proud votaries of civil liberty, over the disciplined vassals of an ambitious monarch. *New Orleans,* and *this day,* form a combination of *time* and *place,* alike humiliating to England and gratifying to America. On this memorable day, she was vanquished and driven from the land of freemen. While she trembles let us rejoice, and that we may evince the proud sensations connected with the day, and the valor of our brave officers and soldiers,

Resolved, That our venerable acting governor, (who is himself respectfully remembered in connection with the day and subject,) be requested to cause the Artillery Company of the town of Frankfort, forthwith to parade upon the public square, near the capitol, and there to discharge nineteen rounds of cannon, a round for each state in our happy union, in commemoration of the achievements of our arms on that glorious day.

Extract, &c.

Attest. R. S. TODD, C. H. R.

In which they request the concurrence of the senate. And then he withdrew.

The resolution was then twice read, and unanimously concurred in.

Ordered, That the clerk acquaint the house of representatives therewith.

Mr. Chambers from the joint committee of enrollments, reported that they had examined an enrolled resolution in commemoration of the 8th of January, 1815 ; and found the same truly enrolled.

On motion,

Mr. Chambers was added to the committee to whom was refered the nomination of judge Broadnax.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed an enrolled resolution, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Speaker signed the said resolution, being the same reported by mr. Chambers to-day, and it was delivered to the joint committee, to be presented to the governor for his approbation.

And then the senate adjourned.

THURSDAY, JANUARY 9, 1817.

The senate assembled.

Mr. South presented a petition from sundry citizens of the counties of Fleming, Floyd and Bath, praying that a law may pass authorizing them to open a road from Bath court-house to Prestonsburg in Floyd county, by lottery; which being received, was read and refered to messrs. South, Parks and D. Garrard, who may report by bill or otherwise.

Mr. Hardin presented the following bills: A bill to repeal the law forming election precincts in Grayson and Breckenridge counties; and a bill to vest certain powers in the county court of Breckenridge county, in relation to certain seminary lands; which were severally read the first time; the former was ordered to be read a second time; and

The rule being dispensed with, the latter bill was read a second time, and ordered to be engrossed and read a third time.

The nominations of William M'Dowell and John Trimble, were severally taken up. The former was committed with certain documents to messrs. H. Taylor, Jones, Simrall, Sharp, Mason, Owens, Bowmar, J. Garrard, D. Garrard, Lancaster and Churchill; and

The question being taken, that the senate advise and consent thereto; it was resolved in the negative—Yeas 6—Nays 24.

The yeas and nays being required by messrs. J. Garrard and Simrall, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Ewing, Griffin, Perrin, Parks, South and Wilson.

Those who voted in the negative are, mr. Speaker, and messrs. Bowmar, Bartlett, Churchill, Chambers, Faulkner, J. Garrard, D. Garrard, Hardin, Jones, Lancaster, Mason, Owens, Sharp, Simrall, Smith, Thompson, R. Taylor, H.

Taylor, Worthington, Wickliff, Wood, Waide and Yancey.

Resolved, That the senate do not advise and consent to the said nomination of John Trimble, esq. as a circuit judge; and

Messrs. J. Garrard, Bowmar, Mason and Perrin, are directed to acquaint the lieutenant governor therewith.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, which was read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Samuel Tate, sheriff of the county of Pulaski, for the next constitutional term; it being certified to me, that the county court of said county have failed at their proper terms, to recommend a proper person as required by the constitution, and the said Tate being the senior magistrate for said county.

Agreeably to a resolution of the senate, requesting the executive to return the report made of the rejection of William Webb as sheriff of Henry county, and to withdraw the nomination of John Baker as sheriff of the said county, I herewith return the report of the said rejection; and also do withdraw for the present the nomination of said John Baker as sheriff of Henry county.

GABRIEL SLAUGHTER.

Resolved, That the senate advise and consent to the nomination of Samuel Tate as sheriff of Pulaski county; and

Messrs. Griffin, Yancey and Chambers, are directed to acquaint the lieutenant governor therewith.

On motion,

The vote on the nomination of Wm. Webb, Esq. as sheriff of Henry county, was re-considered, and committed to messrs. J. Garrard, Bartlett, Simrall, Bowmar, Ewing, R. Taylor, Lancaster and Owens.

Ordered, That mr. Chapline have leave of absence from the service of the senate until Tuesday next.

Mr. H. Taylor from the committee to whom was refered the bill for the benefit of doctor Robert Wellford, reported the same with an amendment; which was received, twice read and agreed to.

Ordered, That the said bill with the amendment be engrossed and read a third time.

The senate took up the amendments offered by the house of representatives to the following bills, to-wit: A bill for the relief of Frank Spillman; and a bill for the relief of Taylor and George Noel; which being twice severally read, were agreed to.

Ordered, That the clerk inform the house of representatives thereof.

A bill from the house of representatives entitled an act further to regulate the Christian Academy, and to amend the law establishing an Academy in the county of Caldwell; was read the first time, and ordered to be read a second time.

A bill to amend and explain the law to suppress riots, routs and unlawful assemblies of the people; and a bill for the benefit of Joshua Cates; were severally read the second time; the former was re-committed with an amendment offered thereto, to messrs. J. Garrard, Sharp, Jones, Chambers and Owens.

The latter was amended and ordered to be engrossed and read a third time.

A bill from the house of representatives entitled an act to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico; was read the third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Booker:

Mr. Speaker,

The house of representatives have passed the bill entitled an act more effectually to secure the navigation of the Beech and Rolling forks of Salt river; in which they request the concurrence of the senate. And then he withdrew.

The amendment was then twice read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

An engrossed bill for the benefit of the widow and heirs of Wilson Pickett, deceased; was read the third time, and ordered to be laid on the table.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives have passed the bill from the senate, entitled an act to establish an election precinct in the county of Mercer. And they have adopted the following resolutions, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *January* 7, 1817.

Whereas the citizens of the United States possess the unalienable right of navigating the great waters which communicate with the ocean; and the high destiny to which the author of nature seems to invite the people of these states, depends upon the security of that right from all violation, and the honor as well as dignity of every state commands her to

assert with vigilance the rights of those subject to her sovereignty:

1. Be it therefore resolved by the general assembly of the commonwealth of Kentucky, That they have viewed with the deepest concern, the violation of the right guaranteed by the federal constitution and the laws of congress, to navigate the river Mississippi, in the seizure of the Steam Boat Enterprize, under the pretended authority of a law enacted by the legislature of the late territory of Louisiana.

2. *Resolved*, That they will maintain inviolate, by all legitimate means the rights of her citizens to navigate said river, and its tributary streams.

3. *Resolved*, That the government of Pennsylvania, Virginia, Tennessee, Ohio, Louisiana and Indiana, be respectfully requested to co-operate with this, to prevent by appropriate means the recurrence of an evil so much to be deprecated.

4. *Resolved*, That our senators and representatives in congress, be requested to exert themselves to procure the adoption of such measures as they may deem best calculated to secure the navigation of the said river.

5. *Resolved*, That the lieutenant governor, (acting as governor,) be requested to transmit to the governors of Pennsylvania, Virginia, Tennessee, Ohio, Louisiana and Indiana, and to our senators and representatives in congress, each a copy of the above resolutions.

Extract, &c.

Attest, ROBERT S. TODD, C. H. R.

In which they request the concurrence of the senate. And then he withdrew.

The resolutions were then severally twice read, and ordered to be laid on the table.

Mr. Speaker laid before the senate a letter from the president of the Bank of Kentucky, which was read as follows, to-wit:

BANK OF KENTUCKY, *8th January*, 1817.

SIR,

At an election by the share-holders of the Bank of Kentucky, which was held on Monday last agreeably to law, and was continued until Tuesday, the following gentlemen were elected directors of that institution on their part for the ensuing year, to-wit:

Messrs. John Brown, Daniel Weisiger, Nathaniel Hart, Martin D. Hardin, Alexander J. Mitchell and John Pope.

I am, respectfully, sir,
Your most obedient servant,
ROBT. ALEXANDER, *Pres't.*

The honorable Edmund Bullock,
Speaker of the Senate.

And then the senate adjourned.

FRIDAY, JANUARY 10, 1817.

The senate assembled.

Mr. Faulkner from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, to-wit:

An act for the relief of Frank Spillman, late sheriff of Campbell county; and of Spencer Adams, late sheriff of Floyd county; and an act for the relief of Taylor and George Noel; and found the same truly enrolled.

The following bills were reported from the select committees respectively appointed, with amendments to each, to-wit:

By mr. Chambers—a bill to amend and explain the law to suppress riots, routs and unlawful assemblies of the people; and an engrossed bill respecting the seat of justice of Caldwell county; which amendments being twice severally read, were concurred in. The former was ordered to be engrossed as amended and read a third time. The latter was read a third time.

Resolved, That the said bill do pass, and that the title be, "an act respecting the seat of justice of Caldwell county."

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. Hillyar—a bill to establish and regulate the town of Rossborough, in Daviess county. On the motion of mr. Smith—a bill to establish an election precinct in the county of Warren.

And messrs. Hillyar, Waide and Griffin, were appointed to prepare and bring in the former. And messrs. Smith, Sharp and Wood, the latter.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The house of representatives concur in the resolutions from the senate, to-wit: A resolution pointing out the day

on which to elect a public printer, treasurer, and president and directors of the Bank of Kentucky. A resolution appointing a joint committee to confer with printers; and a resolution proposing an article of amendment of the constitution of the United States, with an amendment to the latter.—They concur in the amendments offered by the senate to the bill entitled an act for the relief Catharine Bodine. They concur in the amendments offered by the senate to the bill entitled an act adding part of Bourbon county to Nicholas, with amendments. They have passed the bill from the senate concerning the town of Louisville, in Jefferson county, with amendments; and they have passed the following bills, to-wit: An act to amend the act entitled an act to regulate the town of Greensburg; an act for the benefit of Thomas Simpson; an act for the relief Zilpha Hicks, and the heirs of Richard Hicks, deceased; and an act authorizing the trustees of the town of Falmouth to sell part of the public ground; in which amendments and bills, they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Stephenson:

Mr. Speaker,

The house of representatives have passed a bill to ascertain and mark the division line between the counties of Franklin and Woodford; in which they request the concurrence of the senate. And then he withdrew.

The senate received a message in writing from the lieutenant governor, by mr. Secretary Pope, which was read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your approbation, the honorable Samuel M'Kee, of Garrard county, circuit judge for the 11th judicial district, in the place of the honorable William T. Barry, whose commission will expire at the end of the present session of the legislature.

Henry Daniel, commonwealth's attorney for the same judicial district, who now holds that office under a commission which will expire at the end of the present session.

GABRIEL SLAUGHTER.

January 10th, 1817.

A message from the house of representatives by mr. Reeves:

Mr. Speaker,

The house of representatives have passed the bill from the

senate entitled an act to amend the act entitled an act to reduce into one the several acts respecting the militia, with an amendment. And they have passed a bill for the benefit of Simon Holt; in which bill and amendment they request the concurrence of the senate. And then he withdrew.

Mr. Wickliff moved the following resolution, to-wit:

Resolved, That the lieutenant governor be invited to return the note of rejection of the nomination of John Trimble, Esq. as a circuit judge; and

The question being taken on agreeing to the same, it was resolved in the affirmative—Yeas 19—Nays 11.

The yeas and nays being required by messrs. J. Garrard and Sharp, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Chambers, Ewing, Griffin, D. Garrard, Hillyar, Hardin, Lancaster, Mason, Owens, Perrin, Parks, South, Smith, Thompson, Wickliff, Wood, Waide, Wilson and Yancey.

Those who voted in the negative are, mr. Speaker, and messrs. Bartlett, Bowmar, Churchill, Faulkner, J. Garrard, Jones, Sharp, R. Taylor, H. Taylor and Worthington.

Ordered, That messrs. Wickliff, Lancaster and Hardin, be appointed to acquaint the lieutenant governor therewith.

A message from the house of representatives by mr. Ewing:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of Hugh Henderson and others; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Monroe:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of John M'Combs; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Faulkner from the joint committee of enrollments, reported, that the committee had examined an enrolled bill entitled an act for the relief of Catharine Bodine, and the widow and heirs of Nathan Barrow, deceased; and found the same truly enrolled.

Mr. Bartlett presented a letter covering certain documents upon the subject of the nomination of William Webb, Esq. as sheriff of Henry county; which were refered to the committee who have charge of the matter.

On motion,

Messrs. Sharp and Hillyar, were added to the said committee.

And then the senate adjourned.

SATURDAY, JANUARY 11, 1817.

The senate assembled,

And received a message in writing from the lieutenant governor by mr. Secretary Pope, which was read as follows, viz.

Gentlemen of the Senate,

In compliance with your request, I return to you your resolution refusing to advise and consent to the appointment of John Trimble as circuit judge.

GABRIEL SLAUGHTER.

January 11th, 1817.

Resolved, That the senate do not advise and consent to the nomination of Trimble as a circuit judge; and messrs. J. Garrard, Bowmar, Mason and Perrin, are directed to acquaint the lieutenant governor therewith.

Attest. WILLIS A. LEE, C. S.

Mr. H. Taylor from the committee for courts of justice made the following report, to-wit:

The committee for courts of justice, have according to order, had under consideration the petitions to them refered, and come to the following resolutions thereupon, to-wit:

Resolved, That the petition of William M. Baylor, praying that a law may pass to exempt him from the penalties inflicted by the act against duelling, *is reasonable.*

Resolved, That the petition of David James and John Mitchuson, praying that a law may pass to exempt him from the payment of interest and damages incurred as securities for John Beardin, former collector of the revenue for Livingston county, *is reasonable.*

Which being received, was twice read and agreed to.

Ordered, That the committee for courts of justice prepare and bring in bills pursuant thereto.

Mr. speaker signed the enrolled bills last reported by mr. Faulkner, and they were delivered to the joint committee of en-

rollments, to be presented to the lieutenant governor for his approbation.

On the motion of mr. Wickliff,

The vote of rejection of the nomination of John Trimble, Esq. as a circuit judge, was re-considered, and the nomination was committed with other papers, to messrs. Wickliff, J. Garrard, Owens, Perrin, Parks, Yancey, Churchill, Sharp, Hardin, Lancaster, Griffin, Simrall and Faulkner.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The house of representatives have passed bills of the following titles, to-wit:

An act for the relief of Esther Smiley. An act to authorize the trustees of the town of Bowling Green, to levy a tax not exceeding two hundred dollars. An act for establishing the town of Perryville. An act to authorize the insertion of advertisements in the National Pulse, The Commentator and the Guardian of Liberty. An act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased. An act authorizing Rudolph Neet to build a mill on Green river. An act authorizing the Floyd county court to sell a part of their public grounds. An act for the relief Jeremiah Cravens. And act further to regulate the Greenville Seminary; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Hart:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to amend an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis, approved December 21, 1816; in which they request the concurrence of the senate. And then he withdrew.

An engrossed bill for the benefit of the widow and heirs of Wilson Pickett, deceased, was taken up and read again.

Mr. Owens offered the following by way of ryder, to come in as a section of the bill which being received and three times read, was engrossed and agreed to, as follows, to-wit:

Be it further enacted, That before the said Abraham Chapline shall make sale of the said land, he shall enter into bond with good security in the county court of Mercer, in the penalty of three thousand dollars, conditioned for the faithful performance of said trust.

Resolved, That the said bill with the ryder do pass, and that the title be, an act for the benefit of the widow and heirs

of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

Mr. Faulkner from the joint committee on the Penitentiary house, made the following report, to-wit:

The joint committee from the senate and house of representatives, appointed to examine the Penitentiary, the demands for and against the institution, have examined the same and come to the following report:

The convicts appear to be well cloathed and properly employed in different branches of mechanical occupations, which evinces the skill, judgment and good management of the keeper.

Engaged in the nail manufactory,	18 men.
Black-smith's business, - -	6
Chair making, - -	8
Stone cutting, - - -	11
Shoe-making, - - -	9
Cooking and washing, - -	2
Invalids, - - - -	2
Making in all	56.

Your committee have also examined the notes, book accounts, and accounts receipted for, and put in the hands of different persons for collection above five years standing, and find them to be as follows:

Notes, - - -	$ 226 17
Book accounts, - - - -	1346 74
Accounts receipted for, - - -	2130 28

The committee have found several receipts given for demands due the institution put into the hands of different persons for collection, of which they are entirely unable from any other document to form an opinion whether they have been discharged or not, but presume they are still due, although not calculated hereafter in the aggregate demands of the institution; and would recommend that the keeper, in whose correctness and judgment the committee have the utmost confidence, should make an adjustment of the same as soon as possible, and when he shall be unable to settle those demands to his satisfaction, that he be directed to commence suit on all those receipts; and also endeavor to collect all demands which have been of long standing, by suit if he cannot otherwise effect it.

From the loose and imperfect manner in which the books

have been kept for some years after the establishment of the institution, and by the late agent, it becomes impossible for the committee to make a correct report as to what is really due. The most accurate which they can give, appears as followeth :

Debts due the institution, - -	$ 23,760 87
Debts above one year's standing, -	8,151 71
Institution indebted, - -	2,994 23
Amount of manufactured articles on hand,	5,847 60
Raw materials on hand, - -	2,667 02
Cash on hand, - - -	147 10
Work done since the 13th day of July 1816, to the first of December last, - -	10,346 61
Price of raw materials so manufactured,	5,268 44
Ten per cent allowed the keeper after deducting the price of raw materials, - -	507 80

In estimating the demands against the institution, the committee have not taken into consideration the various sums of money avanced by the state for its support, there is but five hundred dollars of this money, which appears to stand as a demand against the institution, but all sums for the price of articles purchased by the state are still estimated in the demands due the penitentiary.

Your committee would report as to the state of the buildings, that there are but seventeen cells to appropriate for the lodgings of convicts, which seems to be rather insecure. In consequence of the scarcity of cells and number of convicts, the keeper is obliged to lodge them in rooms appropriated for their different avocations, which renders the escape of the convicts not very difficult ; and if attempted, unless very strictly watched, almost certain. The rooms appropriated to carry on some of the branches of their professions, are too small for the number of hands employed therein, which prevents their doing business expeditiously. The kitchen and eating room are very small for the present number of convicts, and would seem to need enlarging. The buildings are very much out of repair, and will require considerable sums of money to reclaim them ; the roof of the whole house needs covering ; the bottom of a number of the props and sills of the portico are very much decayed, and in places entirely rotten, false props are resorted to, to support the upper floor of the portico. The top of the wall is considerably falling down, and appears to be going fast to destruction.

The establishment appears to this committee not to be large enough for the present number of convicts to be judiciously

employed. If the walls were extended, it would be a convenience to the keeper, and an advantage to the state; the necessary shops could then be placed within the enclosure, which would effectually secure any arrangement in the convicts by day to make their escape at night. Upon due consideration, the committtee are of opinion, that it would in the end, be less expensive and much better to build a new establishment of a proper size, than to repair and extend the boundary of the old one; the present place seems to be badly selected; the ground being low, wet, unhealthy, and not calculated to carry off the filth. The committee would remark, that they conceive the Penitentiary institution is not calculated to benefit the state, or reform the offenders: instead of having their morals corrected by the hard lesson of severity, they have communication with each other, which is impossible for the keeper to prevent, and learn every species of vice, immorality and wickedness. The institution appears rather calculated to harden, than reform the convicts. If a preacher was employed and paid out of the proceeds of the institution, to preach and give moral lectures to the convicts, it might have a tendency to reform them; but unless a reformation could be effected in this way, there is no hope left through any other channel by which they can be reformed; the convicts from a knowledge of an entire loss of character, unless they can be reclaimed, become from their habits of associating in the Penitentiary, more vicious and incorrigible than ever.

The committee conceives that it is almost indispensably necessary to appoint an agent; the business of the keeper is sufficient for the employment of both.

From the Senate.

JOHN FAULKNER, DAVID THOMPSON,
JOSEPHUS PERRIN.

From the house of Representatives.

RICHARD RUDD, DICKSON GIVEN,
JOHN J. MARSHALL, SAMUEL M'COUN,
SAMUEL SHEPARD. BENJ. EGGLESTON.

Which was received, read and laid on the table.

The amendments offered by the house of representatives to the bills from the senate, to-wit: A bill to amend the act entitled an act to reduce into one the several acts respecting the militia. A bill concerning the town of Louisville, in Jefferson county; and those offered to a resolution proposing an article of amendment to the constitution of the United States, together with the amendments proposed by the house of representatives, upon concuring in those offered by the senate to

the bill entitled, an act adding a part of Bourbon county to the county of Nicholas; were taken up and twice severally read. The first was agreed to. The first and second to the second bill, were disagreed to. The third and those to the resolution and the last mentioned bill were concurred in.

Ordered, That the clerk inform the house of representatives thereof.

A bill from the house of representatives entitled an act further to regulate the Christian Academy, and to amend the law establishing an Academy in the county of Caldwell, was read the second time; and

The rule being dispensed with, it was read the third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Mr. Faulkner from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills and resolutions; and found the same truly enrolled, viz.

An act more effectually to secure the navigation of the Beech and Rolling forks of Salt river.

An act to establish an election precinct in Mercer county.

A resolution pointing out the day on which to elect a public printer, treasurer and president and directors of the Bank of Kentucky.

A resolution appointing a joint committee to confer with printers.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, containing sundry nominations, to-wit:

Gentlemen of the Senate,

I nominate for your advice and and consent John Poage, major general of the 7th division, in place of David Chiles, resigned.

Nicholas Miller, major general of the 4th division, in place of Stephen Clever, resigned.

James Garrard, jr. brigadier general of the 4th brigade, in place of Josephus Perrin, resigned.

William Wakefield, brigadier general of the 1st brigade, in place of James Cox, resigned. The two gentlemen last nominated, have been commissioned to fill vacancies since the last session, but their commissions will expire with the present session of the general assembly.

Sundry vacancies have happened in the civil department since the last session of the general assembly, which were filled by appointments that will expire at the end of the present session. Also some original appointments have been

made, which will expire at the same time. I therefore nominate to you for your advice and consent, the following gentlemen, who are now in office under such appointments, to be commissioned during good behaviour, to-wit:

David Irvine, notary public in and for the county of Madison.

John Newland, notary public in and for the county of Shelby, in the place of James Craig, resigned.

Samuel Work, Esq. attorney for the commonwealth, for the 7th judicial district, in the place of Presley Edwards, resigned.

William Littell, notary public in and for the county of Shelby.

Jonathan T. Berry, notary public in and for the county of Clark.

William L. Reeves, notary public in and for the county of Christian, in the place of John G. Reynolds, resigned.

Charles Nourse, notary public in and for the county of Nelson.

GABRIEL SLAUGHTER.

January 11th, 1817.

Engrossed bills, to-wit: A bill for the benefit of doctor Robert Wellford. A bill for the relief of Joshua Cates; and a bill to amend and explain the law to suppress riots, routs and unlawful assemblies of the people; were severally read the third time, and the blanks in the first filled up.

Resolved, That the said bills do pass, and that the titles be respectively, an act for the benefit of doctor Robert Wellford; an act for the relief Joshua Cates; and an act to amend and explain the law to suppress riots, routs and unlawful assemblies of the people.

Ordered, That the clerk do carry the said bills to the house of representatives and request their concurrence.

The senate received official information from the lieutenant governor, by mr. Secretary Pope, that he did on this day, approve and sign enrolled bills which originated in the senate of the following titles, to-wit:

An act for the relief of Frank Spillman, sheriff of Campbell county; and of Spencer Adams, late sheriff of Floyd county.

An act for the relief of Taylor and George Noel.

Bills from the house of representatives of the following titles, to-wit: An act to amend an act entitled an act to regulate the town of Greensburg; an act for the benefit of Thomas Simpson; and an act for the relief of Zilpha Hicks and

the heirs of Richard Hicks, deceased; were severally read the first time, and the rule being dispensed with, they were severally read the second time, and the second was committed to messrs. Wood, Faulkner and Owens.

The rule was again dispensed with, and the first and third bills were severally read the third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Harrison:

Mr. Speaker,

The house of representatives have passed a bill to prevent the circulation of private notes in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

On the motion of mr. Faulkner,

Ordered, That mr. J. Garrard have leave of absence from the service of the senate until Monday next.

And then the senate adjourned.

MONDAY, January 13, 1817.

The senate assembled.

Mr. Faulkner from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and found the same truly enrolled, to-wit:

An act to amend the act entitled an act to reduce into one the several acts respecting the militia; and an act to amend the law authorizing the appropriation of the land acquired by the treaty of Tellico.

Mr. Mason presented a petition from the president of the Abolition Society, praying that they may be incorporated for the purpose of meliorating the situation, and enlightening the understanding of slaves in this commonwealth; which being received, was read and refered to the committee of propositions and grievances.

Mr. Wood from the committee to whom was refered the bill from the house of representatives entitled an act for the benefit of Thomas Simpson, reported the same with an amendment; which being received, was twice read and agreed to.

The bill was then read the third time with the amendment.

Resolved, That the said bill do pass as amended, and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

Mr. Hillyar from the committee appointed for that purpose, presented a bill to establish and regulate the town of Rossborough, in Daviess county; which being received was read the first time; and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

On motion,

Ordered, That the military nominations made by the lieutenant governor on Saturday last, be laid on the table.

The nominations made on the same day of civil officers, were taken up and respectively read.

Resolved, That the senate advise and consent thereto.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker signed the said bills, being those reported by mr. Faulkner on Saturday and to-day, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

An engrossed bill to vest certain powers in the county court of Breckenridge county, in relation to certain Seminary Lands, was read the third time.

Resolved, That the said bill do pass, and that the title be an act vesting certain powers in the county court of Breckenridge county, in relation to certain Seminary Lands.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

Bills from the house of representatives of the following titles, to-wit:

1, An act authorizing the trustees of the town of Falmouth to sell a part of the public ground; 2, an act to ascertain and mark the division line between the counties of Franklin and Woodford; 3, an act for the benefit of Simon Holt; 4, an act for the relief of Hugh Henderson and others; 5, an act for the benefit of John M'Combs; 6, an act for the benefit of Esther Smiley; 7, an act to authorize the trustees of the town of Bowling Green to levy and collect a tax not exceeding two hundred Dollars; 8, an act for establishing the town of Perryville; 9, an act to authorize the insertion of advertisements in the National Pulse, The Commentator and The Guardian of Liberty; 10, an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and

Robert Parker, deceased; 11, an act authorizing Rudolph Neet to build a mill on Green river; 12, an act authorizing Floyd county court to sell part of their public ground; 13, an act for the relief of Nehemiah Cravens; 14, an act further to regulate the Greenville Seminary; 15, an act to amend an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis, approved 21st December, 1816; 16, and an act to prevent the circulation of private notes in this commonwealth; were severally read the first time. The third was committed to messrs. D. Garrard, Wickliff, Lancaster, Thompson, Perrin and Wilson. The fourth, fifth, sixth, eleventh and twelfth, were ordered to be read a second time; and

The rule being dispensed with, the first, second, seventh, eighth, ninth, tenth, thirteenth, fourteenth, fifteenth and sixteenth, were severally read the second time.

The first and fourteenth were ordered to be read the third time.

The tenth was committed to messrs. Bowmar, Simrall, Bartlett and Thompson.

The thirteenth to messrs. Sharp, Lancaster, Wilson and Chambers.

The sixteenth to messrs. Owens, Churchill, Sharp and Simrall; and

The rule being again dispensed with, the second, seventh, eighth, ninth and fifteenth, were severally read the third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

Mr. Hubbard Taylor from the committee for courts of justice, presented a bill concerning commonwealth's attornies; which was received and read the first time, and ordered to be read a second time.

The senate received official information from the lieutenant governor, that he did, on this day, approve and sign enrolled bills and resolutions which originated in the senate of the following titles, to-wit:

An act to establish an election precinct in Mercer county. An act more effectually to secure the navigation of the Beech and Rolling forks of Salt river. An act to amend the act entitled an act to reduce into one the several acts respecting the militia. A resolution appointing a joint committee to confer with printers.

Ordered, That the clerk inform the house of representatives thereof.

On the motion of mr. Simrall

The report of the joint committee on the penitentiary house, was committed to messrs. Simrall, Yancey, Lancaster, Waide, Wickliff, Ewing, Owens and Sharp.

And then the senate adjourned.

TUESDAY, JANUARY 14, 1817.

The senate assembled,

The following bills were presented from the respective committees appointed, to-wit: By mr. Owens—a bill concerning the turnpike and wilderness road. By mr. South—a bill authorizing a lottery for opening a road from Owensville in Bath county to Prestonsburg in Floyd county; which were received and read the first time.

The rule was dispensed with, and the former bill was read the second time, and committed to messrs. D. Garrard, Griffin, Jones and Owens.

The latter bill was ordered to be read a second time.

The respective committees to whom were refered the bills from the house of representatives of the following titles, viz. By mr. D. Garrard—an act for the benefit of Simon Holt.—By mr. Owens—an act to prevent the circulation of private notes in this commonwealth. By mr. Sharp—a bill for the relief of Nehemiah Cravens; were reported with an amendment to each; which were received and severally read.

On motion,

The first bill and amendment were committed to a committee of the whole house on the state of the commonwealth.

The other amendments were agreed to, and the bills read the third time.

The question was then taken on the passage of the second bill, and it was resolved in the affirmative—Yeas 28—Nays 3.

The yeas and nays being required by messrs. Wickliff and Churchill, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Churchill, Chambers, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Hillyar, Hardin, Jones, Lancaster, Perrin, Parks, Sharp, South, Simrall, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wickliff, Waide, Wilson and Yancey.

Those who voted in the negative are, messrs. Mason, Owens and Wood.

Resolved, That the said bills do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence in the said amendments.

Mr. Bartlett from the joint committee appointed to confer with printers, made the following report, which was submitted and read with certain propositions as follows, to-wit:

The joint committee raised by resolution of the legislature to confer with printers, have performed the duty assigned them, and have received from messrs. Gerard & Kendall, and messrs. G. E. & J. B. Russell, propositions in writing, which they respectfully submit to their respective houses.

A. BARTLETT, } FROM THE SENATE.
JAS. SIMRALL, }

W. B. BLACKBURN, ┐
SAMUEL SOUTH, │ FROM THE HOUSE OF
JOHN YANTIS, │ REPRESENTATIVES.
T. G. HARRISON. ┘

To the joint committee appointed to confer with, and receive proposals from printers.

Gentlemen—We beg leave through you, to tender our services to the legislature as printers to the commonwealth for the ensuing year.

And although we feel no hesitation in assuring you, that we are fully prepared to execute the whole of the public printing with expedition and correctness; yet as many gentlemen have expressed a desire that a division might be made, so as to enable the legislature to extend their patronage to more presses than one, and conscious that such a measure would promote the public interest, we beg leave, most respectfully to submit the following plan:—

One printer might be directed to print the laws enacted by the legislature, and the journal of the senate; the other, the journal of the house of representatives, and bills of both houses. Blanks for the public offices and adjutant-general, and all public advertisements, may be common to both, at the discretion of the officers or persons whose duty it is to have the business done.

A considerable advantage, it is presumed, would arise from this plan. It would enable the printers at all times during the session to keep up the journals of each house; it would expedite the publication of the laws; and it would be the means of ensuring more correctness; neither of the printers having more required of them than what might be well done, with proper attention, in a reasonable time.

As the public printers have no fixed salary, but are paid in proportion to the quantity of business they do, at a certain rate established by the legislature itself, no difficulty can arise in settling the compensation; and it would at

least be a saving of the sum at present allowed the public printers for office rent, as we wish it to be understood that each of the printers shall procure their own room, without any charge therefor against the commonwealth.

Although the plan now proposed, has not yet been tried in Kentucky, it has been long in practice in many of the other states; and if once adopted here, would doubtless produce a result equally satisfactory. And be assured gentlemen, that whatever may be the pleasure of the legislature, in the distribution of the public work, we shall receive with pleasure, and execute with fidelity, any portion of it which they may think proper to assign to us.

With sentiments of the highest esteem,
We are, gentlemen,
Your obedient servants,
G. E. & J. B. RUSSELL.

Frankfort, January 6th, 1817.

FRANKFORT, January 13, 1817.

To the joint committee appointed to confer with printers.

Gentlemen—We propose to execute the printing of the state upon the same terms it has been done for the last eight years. We understand, however, a proposition is made to divide it, and beg leave to suggest to you, and through you to the general assembly, objections to that measure.

The editors of the Palladium propose—that the legislature shall give to one printer the journal of the house of representatives and the bills; and to the other, the senate journal and the acts of assembly—leaving the blanks and public advertisements to be disposed of as the public officers may choose.

The constitution has established the office of public printer as some guarantee that the public work should be well and faithfully executed. It is an office of much responsibility; and a division of the work would weaken, if not destroy that responsibility. But if this matter had not been mentioned by the framers of the constitution, we believe the interest of the state would before this have made it necessary. She wants her work done with promptitude, and with as little expence as possible. Should it be divided amongst different offices, there would not be a sufficient inducement to insure those objects; for the profits of a part would be too insignificant to enable printers to keep employed a sufficient number of hands or purchase materials with which to execute large quantities of work in a short period of time. It not unfrequently happens that in the fore part of the session of the legislature, and for

a month previous to its convening, we are compelled to keep one or more idle hands and pay them wages, to meet and execute the business which accumulates in the latter part of the session, and until your laws are completed. But should the work be divided, printers could not afford this expence, and delay or additional cost to the state would be the consequence.

Much inconvenience must result from the details of the plan. If this principle should be adopted, we see no good reason why every printer in the town, or who may hereafter settle in it, should not have a part—and instead of *two* public papers have three or four in which the public advertisements shall be inserted. It cannot in candor or fairness be said, that any thing in expedition can be gained, for the work is now printed as fast as it is made, and we could do much more in the same time than we are required to print. Nor in price, as it is now executed about 50 per cent. lower than either those gentlemen or any other printer in the state do work for individuals. Should the proposition relative to blanks and public advertisements be acceded to, we believe the constitution would be virtually vioalated—as it takes away the appointment of public printer from the legislature so far as relates to them, and vests it in the public officers. We dislike it on account of its tendency to make your printers dependent, and of course subservient to other officers of government—a circumstance very much to be deprecated.

Should a division of the public work be made, such would be the difficulties, so small the profits and so humiliating the means for obtaining the blanks and advertisements, that we feel unwilling to be considered candidates for *a part* of the work. If we have not heretofore executed your printing faithfully and on reasonable terms, the interest of the state may require a change; but if there can be found no where else, better materials, a more strict attention or superior capacity, we trust we shall be continued in the office we now hold—which we are solicitious to retain.

Respectfully,
Your obedient servants,
GERARD & KENDALL.

Mr. Bartlett moved the following resolution, to-wit:

Resolved, By the the general assembly, that it is expedient to divide the public printing of this commonwealth, to-wit: *Gerard & Kendall* have the printing of the laws enacted by the general assembly, and the journals and bills of the house of representatives; and that messrs. *G. E. & J. B. Russell* have the journals and bills of the senate, with the blanks for the

public offices and public advertisements *to be common to both.*

On motion,

The rule was dispensed with, the resolution twice read, and

The question being taken on agreeing thereto, it was resolved in the negative.

And so the said resolution was rejected.

On the motion of mr. Owens,

Ordered, That the house of representatives be informed that the senate is now ready in pursuance of a joint resolution, to proceed in the election of a treasurer, public printer and a president and six directors of the bank of Kentucky; that mr. Owens do carry the information, and also acquaint the house of representatives that the following gentlemen stand on the nomination before the senate, to fill the respective offices, to-wit:

For treasurer—John P. Thomas.

For public printers—Gerard & Kendall.

For president of the bank—Robert Alexander, and for directors, messrs. Willis A. Lee, Richard Taylor, jr. Peter Dudley, Anderson Miller, George M. Bibb, William Gerard, Oliver G. Waggener, John Madison, Charles S. Todd and Achilles Sneed.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

I am directed to inform the senate that the house of representatives is now ready to proceed in the election of a treasurer, public printer and a president and six directors of the bank of Kentucky; and that the same gentlemen stand in nomination before that house, who were reported from the senate. And then he withdrew.

The senate then proceeded in the said elections, and separate votes being taken, messrs. J. Garrard, Churchill and Sharp, were appointed a committee on the part of the senate to co-operate with one to be appointed on the part of the house of representatives, in an examination and comparison of the different polls, and report to the respective houses the state of the joint votes; who retired, and after some time, returned, and mr. J. Garrard reported, that messrs. John P. Thomas, Gerard & Kendall, and Robert Alexander, Esqrs. had each received a unanimous vote to fill the respective offices to which they were nominated. And that the joint vote for directors stood thus:

For Peter Dudley—104. William Gerard—93. Richard

Taylor, jr.—88. Anderson Miller—87. Willis A. Lee—87, and George M. Bibb—81.

Whereupon mr. Speaker declared that the above named gentlemen were duly elected, to fill the aforesaid offices and places respectively.

And then the senate adjourned.

WEDNESDAY, JANUARY 15, 1817.

The senate assembled.

Mr. J. Garrard from the committee of propositions and grievances, presented a bill for the benefit of David James and John Mitchuson; which was received and read the first time and ordered to be read a second time.

The senate received a message in writing from the lieutenant governor by mr. Waggener, which was read as follows, to-wit:

Gentlemen of the Senate,

The treasurer offers the following gentlemen as his securities for the performance of the duties of his office for the present year, whom I submit to you for your approbation, to-wit: Sproule, Armstrong &co. Samuel Lewis, William S. Waller, Jephtha Dudley, John H. Hanna, James W. Hawkins and George Baltzell.

GABRIEL SLAUGHTER.

January 15th, 1817.

Resolved, That the senate approve of the said securities, and that messrs. Owens, R. Taylor and J. Garrard, acquaint the lieutenant governor therewith.

The senate received another message in writing from the lieutenant governor by mr. Secretary Pope, containing certain nominations, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Richard Curd, notary Public in and for the county of Logan.

Fielding Winlock, Notary Public in and for the county of Shelby.

GABRIEL SLAUGHTER.

January 14th, 1816.

Mr. D. Garrard from the committee to whom was refered the bill concerning the Turnpike and Wilderness road, reported the same with an amendment which being received was twice read and agreed to.

Ordered, That the said bill be engrossed as amended, and read a third time.

A message from the house of representatives by mr. Davidson :

Mr. Speaker,

The house of representatives have passed a bill entitled, an act to incorporate the Stanford Library Company, in which they request the concurrence of the Senate; and then he withdrew

The bill was read the first time, and the rule being dispensed with, was read the second and third time,

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Rowan :

Mr. Speaker,

The house of representatives concur in the resolution for a final adjournment of the Legislature with an amendment, and they have passed a bill entitled an act for the relief of John Godlett, in which amendment and bill they request the concurrence of the senate ; and then he withdrew. The bill was then read the first time, and the rule being dispensed with, it was read a second time and committed to messrs. Lancaster, J. Garrard, H. Taylor Simrall and Wickliff.

Mr. South moved the following resolution :

Resolved, By the senate that his excellency the lieutenant governor be requested to lay before this body for their consideration the recommendations from the citizens of the 11th Judicial district in favor of a proper person to fill the office of circuit Judge for that circuit, which being read ;

Mr. Simrall offered the following in lieu thereof, to wit :

Resolved, By the senate that his excellency the lt. Gov. be requested to lay before the senate any recommendations and documents in relation to the appointment of a circuit Judge for the 11th Judicial district: and the question being taken thereon it was resolved in the affirmative yeas 17, nays 13.

The yeas and nays being required by messrs. South and Wickliff, were as follows, to wit :

Those who voted in the affirmative are mr. Speaker and messrs. Bartlett, Bowmar, Chambers, Ewing. J. Garrard, Hardin, Jones, Lancaster, Mason, Parks, South, Thompson, H. Taylor, Worthington, Wilson and Yancey.

Those who voted in the negative are messrs. Churchill, Faulkner, Griffin, D.Garrard. Hillyar, Owens, Perrin, Sharp, Simrall, Smith, Wickliff, Wood and Waide.

Messrs. South, Lancaster and Yancey, were appointed to acquaint the lieutenant governor therewith.

The report of the committee on the lieutenant governor's

message in relation to internal navigation, was taken up, read and agreed to, with the following amendments: after the word "river," in the sixth paragraph, insert, "and the navigable tributary streams of each of those rivers," and strike out from the word "each," the residue of the sixth resolution.

Ordered, That the clerk inform the house of representatives thereof and request their concurrence.

On the motion of mr. Owens, leave was given to bring in a bill to regulate the Robinson Academy, in Adair county; and messrs. Owens, Sharp and Simrall, were appointed to prepare and bring in the same.

Mr. Owens then presented the bill, which was received and read the first time, and the rule being dispensed with, it was read a second time, and committed to messrs. Lancaster, Owens, Sharp, J. Garrard and H. Taylor.

The amendment proposed by the house of representatives to the resolution for a final adjournment of the legislature, was taken up.

Mr. Bowmar moved to lay the matter on the table until the 24th instant.

And the question being taken thereon, it was resolved in the affirmative—Yeas 14—Nays 13.

The yeas and nays being required by messrs. Churchill and Owens, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Griffin, Hardin, Lancaster, Mason, Perrin, Simrall, Thompson, H. Taylor, Worthington, Wood and Waide.

Those who voted in the negative are, messrs. Churchill, Ewing, Faulkner, J. Garrard, D. Garrard, Hillyar, Jones, Owens, Parks, Sharp, Smith, Wickliff and Yancey.

A bill concerning commonwealth's attornies, was read the second time, and ordered to be engrossed and read the third time.

Bills from the house of representatives of the following titles:

1, An act authorizing Floyd county court to sell a part of their public ground; 2, an act for the benefit of John M'Combs; 3, an act authorizing Rudolph Neet to build a mill on Green river; 4, an act for the relief of Esther Smiley; 5, an act for the relief of Hugh Henderson and others; 6, an act authorizing the trustees of Falmouth to sell a part of their public ground; 7, an act further to regulate the Greenville Seminary; were severally read—the five former the second time, the two latter the third time.

The rule was dispensed with, and the first and fourth bills were read the third time, the fourth having received an amendment at the clerk's table.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

The second was committed to messrs. Lancaster, Mason, Yancey and Worthington, who reported the bill with amendments, which were agreed to.

The rule was then dispensed with, and the bill read a third time as amended.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

The third bill was committed to messrs. Wickliff, Owens, Lancaster and Griffin ; and

The fifth, sixth and seventh, were ordered to be laid on the table.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, covering certain documents as follows, to-wit:

Gentlemen of the Senate,

Waving for the present the question whether you have the constitutional right to call on the executive for the papers not relating to the particular nomination before you, I proceed to comply with the request contained in your resolution of this day.

The power to nominate is vested by the constitution in the executive, and the papers refered to, were I presume, intended to influence the exercise of this power. I have in this instance, as I shall on future occasions, given a respectful attention to the recommendations laid before me, and after due consideration, have nominated for your approbation the honorable Samuel M'Kee, without having received any written recommendations in his favor. I felt authorized to select him from a personal knowledge of his talents and integrity, and the high standing he occupies with the people of this state, together with an assurance that he would serve if appointed. A recommendation for William P. Roper, Esq. of Fleming county, from a source very respectable, and signed by a number of persons, was shewn to me by William P. Fleming, Esq. and withdrawn upon a suggestion that mr. M'Kee would accept the office.

GABRIEL SLAUGHTER.

January 15th, 1817.

Mr. Hillyar from the committee on the nomination of judge Broadnax, made the following report, to-wit:

The select committee to whom was refered the nomination of Henry P. Broadnax, Esq. as a circuit judge for the judicial district in this commonwealth, have had the same under consideration with the accompanying documents to them refered; and do report that it is the opinion of your committee that the senate ought to advise and consent that the said Henry P. Broadnax, Esq. be appointed to said office.

JAMES HILLYAR, *Chairman.*

Which being received and twice read; the question was taken on concurring therein, and it was resolved in the affirmative--Yeas 24--Nays 6.

The yeas and nays being required by messrs. Hardin and Yancey, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Chambers, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Hillyar, Hardin, Jones, Mason, Perrin, Parks, South, Simrall, Thompson, R. Taylor, H. Taylor, Worthington, Wood, Waide and Yancey.

Those who voted in the negative are, messrs. Churchill, Lancaster, Sharp, Smith, Wickliff and Wilson.

Resolved, That the senate do advise and consent to the said nomination of Henry P. Broadnax, Esq. as a judge of the circuit courts in this commonwealth.

And then the senate adjourned.

THURSDAY, JANUARY 16, 1817.

The senate assembled.

A message from the house of representatives by mr. Holman:

Mr. Speaker,

The house of representatives have passed a bill entitled an act altering the mode of summoning petit jurors in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives have passed a bill entitled an act further to regulate the general court, and for other purposes. And then he withdrew.

A message from the house of representatives by mr. Garrison:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the regulation of the town of Scottville and for other purposes; in which they request the concurrence of the senate. And then he withdrew.

Mr. Chambers from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act for the relief Zilpha Hicks, and the heirs of R. Hicks, deceased; and resolutions offering an article of amendment to the constitution of the United States; and found the same truly enrolled.

Mr. Wickliff from the joint committee on the Auditor's office, made the following report, to-wit:

The joint committee appointed to examine the Auditor's office, have discharged that duty, and found all warrants and other entries, from the 10th of November, 1815 to the 10th of November, 1816, fairly made, and supported by proper legal vouchers. A statement of the receipts and expenditures of government for the year ending the 10th of November last, is contained in the Auditor's annual report. It appears the sheriff of Hopkins failed to give bond for the collection of the revenue of his county for the year 1815, and that a collector was not appointed. Your committee would recommend the passage of a law making provision for its collection.

MARTIN H. WICKLIFF,
JOEL YANCEY,
JAMES MASON, } *From the Senate.*

JOHN YANTIS,
ROBERT BARRET,
M. CUMMINS,
WILLIAM CARSON,
URBIN EWING,
BENJAMIN DAVIS,
WM. CLARKE,
SAMUEL COX,
ISAAC CUNNINGHAM. } *From the house of Representatives.*

Which being received, was read and agreed to.

Mr. Faulkner from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and found the same truly enrolled, to-wit:

An act to ascertain and mark the division line between the counties of Franklin and Woodford.

An act to authorise the trustees of the town of Bowling-Green to levy and collect a tax not exceeding two hundred Dollars.

An act for establishing the town of Perryville.

An act to authorise the insertion of advertisements in the *National Pulse, The Commentator* and *The Guardian of Liberty.*

An act further to regulate the Christian Academy, and to amend the law establishing an Academy in the county of Caldwell.

An act adding a part of Bourbon county to the county of Nicholas.

An act to amend the act entitled an act to regulate the town of Greensburg.

An act to amend an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis, approved December 21st, 1816.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate, for the signature of their speaker. And then he withdrew.

The nomination of Samuel M'Kee, Esq. was taken up and read, and the question being taken on the confirmation thereof, it was resolved in the affirmative--Yeas 28—Nays 1.

The yeas and nays being required by messrs. Mason and Faulkner, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Churchill, Chambers, Ewing, Faulkner, Griffin, J. Garrard D. Garrard, Hillyar, Jones, Lancaster, Mason, Owens, Perrin, Parks, Sharp, Simrall, Smith, Thompson, H. Taylor, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

Mr. South voted in the negative.

Resolved, That the senate advise and consent to the said nomination of Samuel M'Kee, Esq. as a circuit judge in this commonwealth.

Resolved. That the senate advise and consent to the nomination of Henry Daniel, Esq. as commonwealth's attorney, in and for the eleventh judicial district.

A message from the house of representatives by mr. Hunter:

Mr. Speaker,

The house of representatives have passed a bill entitled an

act to alter the time of holding the chancery term of the Jefferson circuit court; in which they request the concurrence of the senate. And then he withdrew.

The nominations of military officers, which were laid on the table, were taken up and respectively read.

Resolved, That the senate do not advise and consent to the said nominations of John Poague and Nicholas Miller, as major generals.

Resolved, That the senate do advise and consent to the said nominations of James Garrard and William Wakefield, Esqrs. as brigadier generals; and that messrs. Wickliff, Simrall and Hardin, acquaint the lieutenant governor therewith.

Mr. Lancaster from the committee to whom was refered the bill further to regulate the Robinson Academy, in Adair county, reported the same with an amendment; which being received, was twice read and concurred in.

Ordered, That the said bill with the amendment be engrossed and read the third time.

Mr. H. Taylor from the committee on the nomination of William M'Dowell, Esq. made the following report, to-wit:

The select committee to whom was refered the nomination of William M'Dowell, Esq. as circuit judge of the 10th judicial district, have had the same under their consideration, and come to the following report, to-wit:

Your committee have with great deliberation and attention, heard much testimony relating to the qualifications of said William M'Dowell, Esq. as a circuit judge—all of which concurs in establishing the fairest character for morality and upright conduct as a man and a citizen; but your committee are constrained from the duty assigned them, and that which they owe to their country, to state, that from the concurrent weight of a mass of testimony, shewing the want of other requisite qualifications for a judge, to recommend to the senate not to advise and consent to the said nomination to them refered.

Which being received and twice read.

Mr. Owens moved to amend the report as follows, to-wit: Strike out from the word "citizen," the residue of the said report, and in lieu thereof, insert the following, to-wit:

"Wherefore your committee recommend that the senate advise and consent to the said nomination."

And the question being taken on concurring therein, it was resolved in the negative—Yeas 12—Nays 17.

The yeas and nays being required by messrs. Jones and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Churchill, Ewing, Griffin, Owens, Sharp, Smith, Thompson, Wickliff, Wood, Wilson and Yancey.

Those who voted in the negative are, messrs. Bartlett, Bowmar, Chambers, Faulkner, J. Garrard, D. Garrard, Hillyar, Hardin, Jones, Lancaster, Mason, Perrin, Parks, South, Simrall, H. Taylor and Worthington.

The report of the said committee was then agreed to.

Resolved, That the senate do not advise and consent to the said nomination of William M'Dowell, as a circuit judge in this commonwealth; and messrs. Jones, H. Taylor and Simrall, were directed to acquaint the lieutenant governor therewith.

A bill concerning commonwealth's attornies, was read the third time.

Resolved, That the said bill do pass, and that the title be, an act concerning commonwealth's attornies.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

And then the senate adjourned.

FRIDAY, JANUARY 17, 1817.

The senate assembled.

The following bills from the house of representatives were reported from the respective committees appointed therefor with amendments to each, to-wit: By mr. Lancaster—a bill entitled an act for the relief of John Godlett. By mr. Wickliff—a bill entitled an act authorizing Rudolph Neet to build a mill on Green river.

Which amendments being received, were severally read.

That to the former bill was agreed to, and the bill read a third time with the amendment.

Resolved, That the said bill do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence.

The first amendment to the latter bill was disagreed to.—Second amendment having received amendments at the clerk's table, was concurred in, and the bill read a third time as amended.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—Yeas 20—Nays 11.

The yeas and nays being required by messrs. Griffin and Wickliff, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and

messrs. Bartlett, Bowmar, Churchill, Ewing, Faulkner, J. Garrard, D. Garrard, Hillyar, Mason, Owens, Perrin, Parks, Sebree, Sharp, South, Smith, Thompson, R. Taylor and Wood.

Those who voted in the negative are, messrs. Chambers, Griffin, Hardin, Jones, Lancaster, Simrall, Worthington, Wickliff, Waide, Wilson and Yancey.

Resolved, That the said bill do pass as amended, and that the clerk inform the house of representatives thereof, and request their concurrence.

A message from the house of representatives by mr. Reeves:

Mr. Speaker,

The house of representatives recede from their two first aments, disagreed to by the senate, to the bill entitled an act concerning the town of Louisville, in Jefferson county. They concur in the amendment offered by the senate to the bill entitled an act for the benefit of Thomas Simpson; and they have adopted a resolution requiring the Auditor to make out a list of lands sold at the Register's sales in November last. In which resolution they request the concurrence of the senate. And then he withdrew.

The resolution was then read and agreed to as follows, viz.

IN THE HOUSE OF REPRESENTATIVES, *January* 16, 1817.

Resolved, By the general assembly of the commonwealth of Kentucky, That the Auditor of public accounts be directed to make out a transcript of all the head right lands sold to individuals at the sale of lands, which commenced in November last, the number of acres sold, the names of the original holders, the number of the certificate, by whom purchased, and for what amount each claim was sold: which he shall deliver to the public printers, whose duty it shall be to print nine hundred copies thereof.

Extract, &c.

Attest, ROBERT S. TODD, C. H. R.

Ordered, That the clerk inform the house of representatives thereof.

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, which was read as follows, to-wit:

Gentlemen of the Senate,

I nominate to you for your approbation, James Clarke, Esq. (of Clarke county) circuit judge, in the place of the honorable William M'Dowell, whose commission will expire at the end of the present session of the general assembly.

GABRIEL SLAUGHTER.

January 17th, 1817.

Resolved, That the senate advise and consent to the said nomination of James Clarke, Esq. as a circuit judge in this commonwealth.

Mr. Bowmar from the committee to whom was refered the bill to incorporate the Lexington and Louisville turn-pike road company, and to incorporate the Maysville and Lexington turn-pike road company, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

On the motion of mr. J. Garrard, leave was given to bring in a bill for the benefit of the heirs of William Kennedy, Benjamin Beall and Jennett Beall, deceased.

And messrs. Lancaster, Sharp and Owens, were appointed to prepare and bring in the same; who presented the same by mr. J. Garrard, which was received and read the first time, and the rule being dispensed with, it was read a second time, and committed to messrs. J. Garrard, Sebree, Jones and Owens.

On the motion of mr. Churchill, the resolutions from the house of representatives in relation to the navigation of the Mississippi river, were taken up;

And the amendment offered by mr. Wickliff, which was to strike from the first resolution the following words: 'under the pretended authority of a law enacted by the legislature of the late territory of Louisiana;' which being read, and the question taken thereon, it was resolved in the negative—Yeas 12—Nays 19.

The yeas and nays being required by messrs. Wickliff and Yancey, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Ewing, Faulkner, Griffin, Lancaster, Mason, Perrin, Sharp, Smith, Wickliff, Wood, Waide and Wilson.

Those who voted in the negative are, mr. Speaker and messrs. Bartlett, Bowmar, Churchill, Chambers, J. Garrard, D. Garrard, Hillyar, Jones, Owens, Parks, Sebree, South, Simrall, Thompson, R. Taylor, H. Taylor, Worthington and Yancey.

And so the said amendment was rejected.

The said first resolution was then amended on the motion of mr. D. Garrard, by striking out the word "Louisiana," being the last word in the first resolution, and in lieu thereof, inserting the word "Orleans."

Mr. Bowmar then moved the following as a substitute for

the fourth resolution, which was read as follows, to-wit:

Resolved, That our senators in congress be instructed and our representatives requested to endeavor to procure the adoption of such measures as effectually to secure from violation the legitimate rights of our citizens to navigate the said river.

And the question being taken on agreeing thereto, it was resolved in the affirmative--Yeas 20--Nays 10.

The yeas and nays being required by messrs. Yancey and Bowmar, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker and messrs. Bartlett, Bowmar, Chambers, Ewing, Hillyar, Hardin, Jones, Mason, Owens, Sebree, Sharp, South, Smith, Thompson, H. Taylor, Worthington, Wood, Wilson and Yancey.

Those who voted in the negative are, messrs. Churchill, Faulkner, J. Garrard, D. Garrard, Lancaster, Perrin, Simrall, R. Taylor, Wickliff and Waide.

The resolutions were then agreed to as amended.

Ordered, That mr. Owens inform the house of representatives thereof and request their concurrence in the said amendments.

Leave was given to bring in the following bills, to-wit:

By mr. R. Taylor—a bill authorizing John Brown to build a permanent toll bridge across the Kentucky, at the termination of the Montgomery or Broadway streets, in the town of Frankfort. And by mr. Ewing--a bill preventing the redemption of head right claims in certain cases.

Messrs. R. Taylor, Simrall and Bowmar, were appointed to prepare and bring in the former; and messrs. Ewing, Hillyar and Owens, the latter.

The bill to increase the active capital of the Bank of Kentucky, was taken up and the amendment offered thereto formerly, was again read and agreed to.

Ordered, That the bill with the amendment be engrossed and read the third time.

A bill from the house of representatives entitled an act for the relief of Hugh Henderson and others, was read the third time.

Resolved, That the said bill do pass, and that mr. Ewing inform the house of representatives thereof.

A message from the house of representatives by mr. M'Millan:

Mr. Speaker,

The house of representatives have passed a bill entitled an

act relative to the Register's office; in which they request concurrence of the senate. And then he withdrew.

The bill was read the first time and ordered to be read a second time.

Bills from the house of representatives of the following titles, to-wit:

1, An act to alter the time of holding the chancery term of the Jefferson circuit court. 2, an act further to regulate the general court, and for other purposes. 3, an act altering the mode of summoning petit jurors in this commonwealth; and 4, an act for the regulation of the town of Scottsville and other purposes; were severally read the first time.

The rule was dispensed with, and the first bill was read the second and third time.

Resolved, That the said bill do pass, and that mr. Owens inform the house of representatives thereof.

The other bills were ordered to be read a second time.

A bill for the benefit of David James and John Mitchuson. A bill authorizing a lottery for opening a road from Owensville, in Bath county, to Prestonsburg, in Floyd county; were severally read the second time, and ordered to be engrossed and read a third time.

Engrossed bills, to-wit:

A bill to establish and regulate the town of Rossborough in Daviess county. A bill further to regulate the Robinson Academy, in Adair county; and a bill concerning the turnpike and wilderness road; were severally read the third time.

Resolved, That the said bills do pass, and that the titles be respectively, an act to establish and regulate the town of Rossborough, in Daviess county; an act further to regulate the Robinson Academy in Adair county; and an act concerning the turnpike and wilderness road.

Ordered, That mr. Owens do carry the said bills to the house of representatives and request their concurrence.

A message from the house of representatives by mr. Hunter:

Mr. Speaker,

The house of representatives have passed a bill to incorporate the Hope distillery company; in which they request the concurrence of the senate. And then he withdrew.

The bill was read the first time and ordered to be read a second time.

And then the senate adjourned.

SATURDAY, JANUARY 18, 1817.

The senate assembled.

Mr. Churchill from the joint committee on the bank, made the following report, to-wit:

The joint committee from the senate and house of representatives appointed to examine the bank of Kentucky and its branches, have performed that duty.

Your committee are of opinion, the institution has been safely managed by its directors, in relation to the quantity of paper kept in circulation, no doubt with a view to the resumption of specie payments, when the simultaneous acts of other banks in that respect would justify that policy, while at the same time, it has been made to produce a profitable dividend to the state.

Your committee believing that a further diminution of its paper, which constitutes the principle circulating medium of the country at this time, would be unnecessary, as it appears to your committee, the bank has ample means within its power without hazarding by any means the true interest of the institution, as will appear from a statement of the bank and its branches, furnished your committee, and here refered to as a part of this report.

The stock allowed for individuals with the exception of a few shares, has been subscribed; of the states' stock, there remains unsubscribed near ten thousand four hundred and twenty-two shares, which might be disposed of, should it be deemed expedient to increase the active capital of the bank.

SAMUEL CHURCHILL, F. C. SHARP,
JAMES CHAMBERS, JAS. HILLYAR,
JAS. GARRARD, jr. } *Of the Senate.*

JOHN PARKER, JAS. ROBISON,
J. ARMSTRONG, D. WHITE, jr.
J. G. BIRNEY, M. HOPSON,
J. C. BRECKENRIGE, T. D. OWINGS,
ROBT. BARRETT, S. T. DAVENPORT. } *Of the house of representatives*

STATEMENTS OF THE SITUATION OF THE BANK OF KENTUCKY AND ITS BRANCHES.

OF THE BANK OF KENTUCKY, 31st Dec'r, 1816.

STOCK,	$441,775 10
Debts due to the Bank,	997,593 21
Monies deposited in do.	417,450 12
Notes of the Bank in circulation,	431,249 16
Cash on hand,	320,324 95

OF THE WASHINGTON BRANCH BANK, 15th Dec'r, 1816.

Stock,	200,000
Debts due to the Branch,	390,923 84
Monies deposited in do.	59,919 79
Notes of the Branch in circulation,	197,384 50
Cash on hand,	70,088 15

OF THE PARIS BRANCH BANK, 15th Dec'r, 1816

Stock,	110,000 00
Debts due to the Branch,	209 140 53
Monies deposited in ditto,	83,933 37
Notes of the Branch in circulation,	98,266 67
Cash on hand,	89,870 63

OF THE LEXINGTON BRANCH BANK, 15th Dec'r, 1816.

Stock,	250 000
Debts due to the Branch,	554,456 68
Monies deposited in the Branch,	332,346 46
Notes of the Branch in circulation,	156,798 00
Cash on hand,	187,652 43

OF THE WINCHESTER BRANCH BANK, 15th Dec'r. 1816.

Stock,	100,000
Debts due the branch,	200,329 17
Monies deposited in ditto,	12,010 06
Notes of the Branch in circulation,	121,630
Cash on hand,	38,084 73

OF THE RICHMOND BRANCH BANK, 15 Dec'r. 1816.

Stock,	100,000 00
Debts due to the branch,	185,231 75
Monies deposited in ditto,	17,136 55
Notes in circulation,	93,969 00
Cash on hand,	29,885 11

OF THE DANVILLE BRANCH BANK, 15 Dec'r. 1816.

Stock,	110,000
Debts due to the branch,	203,542 15
Monies deposited in do.	40,560 33
Notes of do. in circulation,	93,690 00
Cash on hand,	62,095 75

OF THE BARDSTOWN BRANCH BANK, 15 Dec'r. 1816

Stock,	110,000 00
Debts due to the branch,	256,002 60
Monies deposited in do.	100,300 25
Notes of the branch in circulation,	109,946 41
Cash on hand,	64,243 06

OF THE SHELBYVILLE BRANCH BANK, 15 Dec'r. 1816

Stock,	100,000 00
Debts due to the branch,	189 542 00
Monies deposited in do.	23,068 62
Notes of the branch in circulation,	96,913 50
Cash on hand,	35,758 15

OF THE LOUISVILLE BRANCH BANK, 15 Dec'r. 1816.

Stock,	200,000 00
Debts due to the branch,	420 600 26
Monies deposited in do.	195 766 32
Notes of the branch in circulation,	248,613 45
Cash on hand,	234,717 51

OF THE RUSSELLVILLE BRANCH BANK, 15 Dec'r. 1816.

Stock,	136,000 00
Debts due to the branch,	287,243 91

Monies deposited in do.	70,549 22
Notes of the branch in circulation,	137,544 82
Cash on hand,	64,944 95

OF THE HOPKINSVILLE BRANCH BANK, 15 Dec'r. 1816.

Stock,	100,000 00
Debts due to the branch,	193,134 91
Monies deposited in do.	11,285 02
Notes of the branch in circulation,	111,552 25
Cash on hand,	35,584 74

The above statements of the situation of the Bank of Kentucky and its branches, at the dates annexed to them respectively, is respectfully submitted to the joint committee of both houses of the legislature by their obedient servant,

ROBERT ALEXANDER, *Pre'st.*

Which being read, was agreed to.

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, containing official information that he did on this day approve and sign enrolled resolutions which originated in the senate, proposing an article of amendment to the constitution of the U. States.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives have passed bills of the following titles:

An act to amend the penal laws of this commonwealth, and to suppress the practice of gaming. An act for the benefit of the heirs of John Jackson and James W. Brand. An act concerning the towns of Versailles and Glasgow. An act for the relief of certain sheriffs of this commonwealth. An act relative to the stream of Nolin, in Hardin county. An act for the benefit of certain delinquent militia of the 38th regiment. An act for the benefit of the heirs of Sarah Ward, deceased. An act for the benefit of the heirs of William Morgan deceased. An act authorizing a sale of part of the public square in the town of Harrodsburg. An act for the benefit of Caty and Rosa Bennett. And an act authorizing a sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville Academy; in which they request the concurrence of the senate.—And then he withdrew.

The three first bills were severally read the first time.

Ordered, That the first and second be read the second time.

On motion,

The rule was dispensed with, and the third was read the second and third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Mr. Speaker signed sundry enrolled bills, being those last reported, and they were delivered to the joint committee of enrollments to be presented to the lieut. Governor for his approbation.

Mr. Garrard from the committee on the nomination of William Webb, Esq. made a report favorable to that gentleman.

Which being twice read was agreed to.

Resolved, That the senate do advise and consent to the said nomination of the said Wm. Webb Esq. as sheriff of Henry county, and that messrs. Bartlett, J. Garrard and Worthington acquaint the lt. Governor therewith.

Mr. J. Garrard from the committee to whom was refered the bill respecting the conveyance, and also the division of the real estate of which William Kennady, Benjamin Beall and Jennet H. Beall late of the county of Campbell, in this commonwealth respectively died seized, reported the same without amendment.

Mr. R Taylor from the committee appointed, presented a bill authorising John Brown to build a permanent Toll bridge across the Kentucky; which was received and read the first time, and the rule being dispensed with, it was read the second time.

Ordered, That the said bills be engrossed and read the third time.

The bill from the house of representatives entitled an act authorising the trustees of the town of Falmouth to sell part of the public ground; was taken up and amended at the clerk's table.

Resolved, That he said bill do pass as amended, and that the title be amended to read an act authorising the court of the county of Pendleton to sell part of the public ground,

Ordered, That the clerk inform the house of representatives thereof and request their concurrence in the said amendment.

An engrossed bill to add a part of Barren county to the county of Green, was read the third time, to wit:

WHEREAS it is represented to the present General Assembly that it would redound greatly to the convenience and advantage of some of the citizens of Barren county to add a small part of said county to the county of Green.

§ 1 *Be it therefore enacted* by the General Assembly of the commonwealth of Kentucky, that all that part of the county of

Barren within the following bounds shall be, and the same is hereby added to the county of Green, to wit; Beginning at the 300 springs on Green River, running thence southwardly so as to strike the line between Green and Barren near the Pilot Knob including Samuel Hinds and John M. Donan in Green county, and leaving Job Trowbridge in Barren county; thence along the Green line to the beginning, shall be added, and to all intents and purposes be considered as belonging to the county of Green.

§ 2. *Be it further enacted*, That the sheriff of Barren county and constables thereof, shall have full power to execute any process that may be put into their hands, against any person or the estate of any person within the aforesaid bounds, prior to the first day of March next, and to collect all officers' fees or public dues that may be in their hands, and remain unpaid on the said first day of March next, and to account for the same in the same manner as if this act had not passed.

And the question being taken on the passage thereof, it was resolved in the negative, yeas 4, nays 23.

The yeas and nays being required by messrs. Owens and Yancey, were as follows to wit:

Those who voted in the affirmative are,

Messrs. Faulkner, J. Garrard, D. Garrard and Owens.

Those who voted in the negative are,

Mr. Speaker, messrs. Bartlett, Bowmar, Churchill, Chambers, Ewing, Griffin, Hillyar, Jones, Lancaster, Perrin, Park, Sebree, Sharp, South, Smith, R. Taylor, H. Taylor, Worthington, Wood, Waide, Wilson and Yancey.

And so the said bill was rejected.

A bill to repeal the law forming Election precincts in Grayson and Brackenridge counties, and a bill from the house of representatives, entitled an act further to regulate the General court, and for other purposes, were severally read a second time.

The former was ordered to lie on the table.

The latter was committed to a committee of the whole house on the state of the commonwealth for Tuesday next.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives have passsed a bill entitled an act authorising the county court of Fayette to levy and collect a tax not exceding three thousand dollars, for the benefit of the Fayette Hospital; in which they request the concurrence of the senate. And then he withrew.

The senate received a message in writing from the lieut. Governor by mr. Waggoner, containing certain nominations:

Gentlemen of the Senate,

In conformity to a law of congress and a law of this state, passed at the present session of the general assembly, requiring a col. and lieut. colonel, to be appointed to each regiment of militia; and also to fill such vacancies as have taken place during the recess, by resignations and otherwise, (some of which have been filled by appointments which will expire with the present session), and such vacancies as will be occasioned by the promotions herein contemplated; I nominate to you for your advice and consent, the following gentlemen, to-wit:

John Jones, colonel of the 1st regiment, to take rank from the 29th of May, 1815.

Hiram Millott, lieutenant colonel of the same regiment, to take rank from the 18th day of January, 1814.

Jonathan Simpson, colonel of the 2d, regiment, to take rank from the 5th day of April, 1816. John Briant, lieut. colonel of the same regiment, to take rank from the 5th day of April, 1815.

Joseph Smith, major of the same regiment, to take rank from the 29th February, 1816.

Benjamin Shacklett, colonel of the 3d regiment, to take rank from the 25th January, 1815. John Sneed, lieutenant colonel of the same regiment, to take rank from the 6th September, 1815.

Reuben Rowland, colonel of the 4th regiment. William Philips, lieutenant colonel of the same regiment.

Thomas Spaulding, major of the same regiment, in place of said Rowland, promoted.

George M'Afee, colonel of the 5th regiment.

Samuel Debaun, lieutenant colonel of the same regiment.

Robert B. M'Afee, major of the same regiment, in place of George M'Afee, if promoted.

Charles Carter, colonel of the 6th regiment, to take rank from the 27th day of February, 1815.

William Wayde, lieutenant colonel of the same regiment, to take rank from 24th April, 1815.

James Murrell, major of the same regiment, to take rank from the 26th June, 1816.

William Williams, colonel of the 7th regiment, to take rank from the 24th of April, 1815.

James Dejarnett, lieutenant colonel of the same, to take rank from the 24th of April, 1816.

Joseph Scroghan, colonel of the 8th regiment, to take rank from the 3rd February, 1816.

Enoch Bryan, lieutenant colonel of the same regiment, to take rank from the 31st January, 1814.

Hugh A. Anderson, colonel of the 9th regiment. Mason Singleton, lieutenant colonel of the same regiment.

Smith Bradshaw, major of the same regiment, in place of Mason Singleton, if promoted.

John Graves, colonel of the 10th regiment, to take rank from the 25th January, 1816.

Lewis Collins, lieutenant colonel of the same regiment, to take rank from the 14th March, 1815.

Jechonias Singleton, colonel of the 11th regiment, to take rank from the 15th of July, 1815.

John Christopher, lieutenant colonel of the 11th regiment, to take rank from the 14th August, 1815.

John Williams, colonel of the 12th regiment, to take rank from the 10th of May, 1814.

John Duvall, lieutenant colonel of the same regiment to take rank from the 26th January, 1814.

Thomas Metcalfe, colonel of the 15th regiment, to take rank from the 4th February, 1815.

Samuel Fulton, lieutenant colonel of the same regiment, to take rank from the 17th August, 1811.

Andrew Wallace, colonel of the 14th regiment, to take rank from the 25th January, 1816.

Willoughby Sandford, lieutenant colonel of the same regiment, to take rank from the 25th January, 1816.

Mauson Simmons, major of the 14th regiment, to take rank from the 4th May, 1816.

Stephen Bayless, colonel of the 15th regiment, to take rank from the 5th June, 1815.

Joseph Logan, lieutenant colonel of the same regiment, to toke rank from the 5th June, 1815.

Pleasant Kirtly, colonel of the 16th regiment, to take rank from the 14th of May, 1816.

Robert Barrett, lieutenant colonel of the same regiment, to take rank from the 7th September, 1812.

Liberty Green, major in the place of Pleasant Kirtly, if promoted.

Ambrose Eubank, colonel of the 17th regiment, to take rank from the 17th June, 1815.

William M'Guire, lieutenant colonel of the 17th regiment, to take rank from the 9th March, 1814.

James Ford, colonel of the 18th regiment, to take rank from the 3rd February, 1816.

John Cloyd, colonel of the 19th regiment, to take rank from the 26th June, 1816.

Dudley Farris, lieutenant colonel of the same regiment, to take rank from the 17th June, 1815.

Schuyler Barnett, major of the same regiment, in place of John Cloyd, if promoted.

Isaac Holeman, colonel of the 20th regiment, to take rank from the 10th February, 1816.

John D. Thomas, lieutenant colonel of the same regiment, to take rank from the 14th August, 1815.

William Furnish, major of the same regiment, to take rank from the 28th March, 1816.

William Mountjoy, colonel of the 21st regiment, to take rank from the 22d December, 1806.

Stephen Sthrasher, lieutenant colonel of the same regiment to take rank from the 22d December, 1806.

George Baltzell, colonel of the 22d regiment, to take rank from the 20th January, 1816.

Thomas G. Hancock, lieutenant colonel of the same regiment, to take rank from the 5th March, 1814.

William Whitsett, colonel of the 23d regiment, to take rank from the 20th January, 1816.

Robert Patterson, lieutenant colonel of the same regiment, to take rank from the 21st June, 1815.

James Hambright, major of the same regiment, to take rank from the 1st May, 1816.

James Elder, colonel of the 24th regiment, to take rank from the 26th January, 1811.

Samuel Niron, lieutenant colonel of the same regiment, to take rank from the 26th January, 1811.

Thomas A. Covington, colonel of the 25th regiment, to take rank from the 20th May, 1815.

Solomon P. Sharp, lieutenant colonel of the same regiment to take rank from the 15th January, 1816.

John Faulkner, colonel of the 26th regiment, to take rank from the 4th April, 1814.

David Wooley, lieutenant colonel of the same regiment, to take rank from the 7th May, 1816.

Austin Smith, major of the same regiment, in place of David Wooley, if promoted.

Abner King, colonel of the 27th regiment, to take rank from the 12th May, 1815.

Jesse Stone, lieutenant colonel of the same regiment, to take rank from the 18th February, 1814.

Conr d Overturf, colonel of the 28th regiment, to take rank from the 24th January, 1811.

William Chaffin, lieutenant colonel of the same regiment, to take rank from the 26th January, 1811.

William Reed, colonel of the 29th regiment, to take rank from the 4th May, 1815.

Henry Berry, lieutenant colonel of the same regiment, to take rank from the 16th December, 1805.

William Goddard, colonel of the 30th regiment, to take rank from the 3rd February, 1816.

William Summers, lieutenant colonel of the same regiment to take rank from the 22d January, 1816.

John Taylor, major of the same regiment, in place of John Davis, resigned.

James Mason, colonel of the 31st regiment, to take rank from the 24th January, 1816.

Samuel L. Williams, lieutenant colonel of the same regiment, to take rank from the 16th March, 1816.

Robert Botts, major of the same regiment, to take rank from the 17th March, 1816.

William Morrow, colonel of the 32d regiment, to take rank from the 10th January, 1816.

Lewis Wilcoxen, lieutenant colonel of the same regiment, to take rank from the 12th of January, 1816.

James Samuel, major of the same regiment, to take rank from the 26th June, 1816.

William F. Querry, colonel of the 33d regiment, to take rank from the 20th April, 1815.

Joseph Funk, lieutenant colonel of the same regiment, to take rank from the 20th April, 1815.

Putnam Ewing, colonel of the 34th regiment, to take rank from the 28th February, 1814.

Daniel P. Moseby, lieutenant colonel of the same regiment to take rank from the 10th January, 1811.

Edmund Baxter, colonel of the 35th regiment, to take rank from the 24th August, 1808.

Nicholas Hocker, lieutenant colonel of the same regiment, to take rank from the 23d of September, 1815.

Robert Scobee, colonel of the 36th regiment, to take rank from the 24th April, 1815.

Thomas Warnall, lieutenant colonel of the same regiment, to take rank from the 21st April, 1815.

James Bristoe, colonel of the 37th regiment, to take rank from the 18th May, 1815.

John Archer, lieutenant colonel of the same regiment, to take rank from the 18th Jaunary, 1814.

Elijah Stout, major of the same regiment, to take rank from the 28th June, 1816.

Joseph Bell, colonel of the 38th regiment.

Isaac Forbes, lieutenant colonel of the same regiment.

Benjamin Coons, major of the same regiment, in place of Joseph Bell, if promoted.

James Robertson, colonel of the 39th regiment.

William Crabtree, lieutenant colonel of the same regiment.

Lawrence Frazier, major of the same regiment, in place of James Robinson, if promoted.

Moses Wickliff, colonel of the 40th regiment, to take rank from the 26th August, 1815.

Charles Campbell, lieutenant colonel of the same regiment, to take rank from the 5th May, 1815.

Philip Barbour, colonel of the 41st, regiment, to take rank from the 17th January, 1811.

Robert Smith, lieutenant colonel of the same regiment, to take rank from the 19th August, 1815.

Joseph Eads, major of the same regiment, to take rank from the 26th June, 1816.

Abraham S. Drake, Colonel of the 42d regiment, to take rank from the 20th January, 1816.

Henry Beard, lieutenant colonel of the same regiment, to take rank from the 7th July, 1815.

Richard Davenport, colonel of the 43d rdgiment, to take rank from the 9th of April, 1813.

Evan Rogers, lieutenant of the same regiment, to take rank from the 10th February, 1816.

John Griffin, colonel of the 44th regiment, to take rank from the 2d October, 1813.

Henry James, lieutenant colonel of the same regiment, to take rank from the 2d October, 1813.

George Dunagan, major of the same regiment, to take rank from the 1st July, 1816.

Henry Rennick, colonel of the 45th regiment, to take rank from the 9th December, 1806.

James Carter, lieutenant colonel of the same regiment to take rank from the 1st February, 1812.

Samuel Wilson, colonel of the 46th regiment, to take rank from the 17th January, 1811.

John Ritchie, lieutenant colonel of the same regiment, to take rank from the 17th January, 1811.

James M'Clelland, colonel of the 47th regiment, to take rank from the 22nd of May, 1811.

Thomas Morris, lieutenant colonel of the same regiment, to take rank from the 18th January, 1812.

John Leathers, colonel of the 48th regiment, to take rank from the first February, 1812.

David Rees, lieutenant colonel of the same regiment, to take rank from the 30th January, 1813.

John Bennett, colonel of the 49th regiment, to take rank from the 4th of May, 1808.

James Baird, lieutenant colonel of the same regiment, to take rank from the 28th June, 1808.

Fleming Robinson, colonel of the 50th regiment, to take rank from 18th January, 1814.

Robert Burnett, lieutenant colonel of the same regiment, to take rank from the 2nd May, 1814.

William Kendrake, major of the same rigiment, in place of Edward Berry resigned.

John H. Morris, colonel of the 51st regiment, to take rank from the 7th February, 1815.

Zeba Halt, lieutenant colonel of the same regiment, to take rank from the 4th February 1815.

John Tandy, major of the same regiment, to take rank from the 19th April, 1816.

John Stapp, colonel of the 52nd regiment, to take rank from the 18th of March, 1813.

Thomas Shaw, lieutenant colonel of the same regiment, to take rank from the 3rd of February, 1815.

Adam Vickery, colonel of the same regiment, to take rank from the first July, 1816.

John Foster, Lieutenant colonel of the same regiment, to take rank from 28th of June, 1816.

John Duffey, major of the same regiment, to take rank from the 28th June, 1816.

David Hogan, colonel of the 54th regiment, to take rank from the 2nd February, 1814.

Daniel Miller, lieutenant colonel of the same regiment, to take rank from the second February, 1814.

Edward Robinson, colonel of the 55th regiment, to take rank from the 15th January, 1816.

Arthur H. Davis, lieutenant colonel of the same regiment, to take rank from the 11th December, 1811.

Alexander Lackey, colonel of the 56th regiment, to take rank from the tenth June, 1812.

Francis A. Brown, lieutenant colonel of the same regiment to take rank from the tenth of June, 1812.

Edmund Verkins, colonel of the 57th regiment, to take rank from the 21st August, 1812.

Peyton Alfred, lieutenant colonel of same regiment, to take rank from the 21st August, 1812.

George Matthews, colonel of the 58th regiment.

Thomas Todd, lieutenant colonel of the same regiment.

S. Clair, Emmons, major of the same regiment, in place of Thomas Todd, if promoted.

William Hardin, colonel of the 59th regiment, to take rank from the 15th January, 1816.

David R. Murray, lieutenant colonel of the same regiment, to take rank from the 17th June, 1815.

Aden Combs, colonel of the 60th regiment, to take rank from the 28th March, 1816.

Aaron Hart, lieutenant colonel of the same regiment, to take rank from the 28th March, 1816.

Robert Martin, major of the same regiment, in place of Aaron Hart, if promoted.

Henry Dickson, colonel 61st regiment, to take rank from the 16th January, 1815.

Thomas Sterritt, lieutenant colonel of the same regiment, to take rank from the 16th of January, 1815.

Thomas Huston, colonel of the 62nd regiment, to take rank from the 26th June, 1816.

Joseph M'Closkey, lieutenant colonel of the same regiment, to take rank from the 5th of April, 1815.

Thomas Hammonds, major of the same regiment, to take rank from the 26th June, 1816.

James Davidson, colonel of the 63rd regiment, to take rank from the 17th January, 1815.

William Spratt, lieutenant colonel of the same regiment, to take rank from the 6th September, 1815.

Hugh Brown, col. of the 64th regiment, to take rank from the 9th May, 1816.

Samuel Parker, lieutenant colonel of the same regiment, to take rank from the 9th May, 1806.

Thomas Fletcher, colonel of the 65th regiment, to take rank from the 16th April, 1814.

John Crockett, lieutenant colonel of the same regiment, to take rank from the 4th April, 1814.

David Snodgrass, colonel of the 66th regiment, to take rank from the 15th January, 1816.

William Ewing, lieutenant colonel of the same regiment, to take rank from the 16th January, 1815.

John Funkhouse, major of the same regiment, to take rank from the first of April, 1816.

Abraham Depew colonel of the 67th regiment, to take rank from 14th February, 1811.

Philip Craig, lieutenant colonel of the same regiment, to take rank from 3rd November, 1812.

Benjamin Fowler, major of the same regiment, to take rank from the 16th August, 1816.

Daniel Garrard, colonel of the 68th regiment, to take rank from the 18th of January, 1814.

Jeddiah Hibberd, lieutenant colonel of the same regiment, to take rank from the 16th of January, 1816.

Richard Soward, colonel of the 69th regiment, to take rank from the 16th of January, 1815.

John G. M'Dowell, lieutenant colonel of the same regiment, to take rank from 28th January, 1811.

Simon R. Baker, major of the same regiment, to take rank from the 14th of May, 1816.

Thompson Ward, colonel of the 70th regiment, to take rank from the 20th of January, 1816.

Thomas F. G. Warring, lieutenant colonel of the same regiment, to take rank from the 21st of April, 1815.

James Poage, major of the same regiment, to take rank from the 8th June, 1816.

Joseph Cantrel, colonel of the 71st regiment.

Zachariah Eastin, lieutenant colonel of the same regiment, to take rank from the 3rd June, 1813.

James Conn, major of the same regiment, in the place of Z. Eastin, if promoted.

David More, colonel of the 72nd regiment.

Ashford Gore, lieutenant colonel of the same regiment.

John Dyer, major of the same regiment, in the place of Ashford Gore, if promoted.

John Davis, colonel of 73rd regiment, to take rank from the 27th of January, 1810.

William Glenn, lieutenant colonel of the same regiment, to take rank from the 10th of December, 1811.

Rowland Burks, colonel of the 74th regiment, to take rank from the 3rd February, 1815.

Jesse Coffee, lieutenant colonel of the same regiment, to take rank from the 4th of February, 1815.

William Labb, major of the same regimont, to take rank from the 28th June, 1816.

Joseph Eave, colonel of the 75th regiment, to take rank from the 16th of January, 1815.

Ambrose Arthur, lieutenant colonel of the same regiment, to take rank from the 16th January, 1815.

William R. Wier, colonel of the 76th regiment.

John Bell, lieutenant colonel of the same regiment.

Thomas Stokes, major of the same regiment, in place of William R. Wier, if promoted.

James Grant, colonel of the 77th regiment, to take rank from the 20th January, 1816.

Robert M'Hatton, lieutenant colonel of the same regiment, to take rank from the 20th January, 1816.

John Stone, major of the same regiment, in place of James Barkley, resigned.

Stephen Trigg, colonel of the 78th regiment, to take rank from the 27th Jannary, 1810.

Abner Wiseman, lieutenant colonel of the same regiment, to take rank from the 23rd February, 1808.

William Smith, colonel of the 79th regiment, to take rank from the 27th January, 1810.

Absalom Rentfro, lieutenant colonel of the same regiment, to take rank from the 12th August, 1811.

John Haddose, colonel of the 80th regiment, to take rank from the 15th of January, 1811.

Elijah Combs, lieutenant colonel of the same regiment, to take rank from the 15th January, 1811.

James Campbell, colonel of the 81st regiment.

Samuel Scott, lieutenant colonel of the same regiment.

Thomas Cooke, major of the same regiment, in place of James Campbell, if promoted.

John Blue, colonel of the 83rd regiment, to take rank from the 12th June, 1816.

Joseph R. Delany, lieutenant colonel of the same regiment, to take rank from the 16th March, 1816.

William Byrdsong, colonel of the 84th regiment, to take rank from the 15th January, 1811.

Samuel Glen, lieutenant colonel of the same regiment, to take rank from the 15th of January, 1811.

Griffin Long, major of the same regiment, in the place of Vincent Anderson.

Thomas Baird, colonel of the 85th regiment, to take rank from the 20th January, 1816.

Caleb C. Reed, lieutenant colonel of the same regiment, to take rank from the 3rd February, 1816.

Edward Boone, major of the same regiment, to take rank from the 27th April, 1816.

William Brown, colonel of the 86th regiment, to take rank from the 23rd, January, 1816.

Isaac Miller, lieutenant colonel of the same regiment, to take rank from the 23rd of January, 1816.

Owen Willis, colonel of the 87th regiment, to take rank from the 24th January, 1812.

Thomas Wilson, lieutenant colonel of the same regiment, to take rank from the 23rd January, 1812.

Samuel Ireland, colonel of the 88th regiment, to take rank from the 24th January, 1812.

William M. Rice, lieutenant colonel of the same regiment, to take rank from the 24th January, 1812.

Joseph Early, colonel of the 89th regiment, to take rank from the 12th of Oct. 1814.

Angus Ross, lieu. colonel of the same regiment, to take rank from the 12th of Oct. 1814.

Micah Taul, colonel of the 90th regiment, to take rank from the 2d May, 1813.

James Stone, lieu. colonel of the same regiment, to take rank from the 2d May, 1813.

Samuel H. Curd, colonel of the 91st regiment.

John Latham, lieu. colonel of the same regiment.

George S. Browning, major of the same regiment, in place of Thomas Delotch, resigned.

Samuel Hutton, colonel of the 92d regiment, to take rank from the 7th of February, 1816.

Jacob Elliston, lieu. colonel of the same regiment, to take rank from the 7th February, 1816.

Richard Bennett, major of the same regiment, to take rank from the 29th March, 1816.

John W. Shirley, colonel of the 93d regiment, to take rank from the 7th Oct. 1814.

William Patterson, lieu. colonel of the same regiment, to take rank from the 7th Oct. 1814.

John Gorin, colonel of the 94th regiment, to take rank from the 8th February, 1815.

James Hall, lieu. colonel of the same regiment, to take rank from the 8th February, 1815.

Tunstall Quarles, colonel of the 95th regiment, to take rank from the 11th of February, 1815.

Thomas Dollerhide, lieu. colonel of the same regiment, to take rank from the 11th February, 1815.

Henry Yeakey, colonel of the 96th regiment.

James Chism, lieu. colonel of the same regiment, to take rank from the 23d June, 1815.

Nathan Wood, major in the same regiment, in the place of James Chism, if promoted.

Benjamin H. Reeves, colonel of the 97th regiment, to take rank from the 20th Jan. 1816.

Charles Caldwell, lieu. colonel of the same regiment, to take rank from the 19th January, 1816.

In making the foregoing nominations, I have in promoting officers, been governed by seniority as the best rule I can at present adopt. In ascertaining the seniority of officers, I have been regulated by the military register in the Secretary's Office, and the information furnished by the representatives and senators from the different parts of the state, where the appointments were to be made. If I have been mistaken with regard to the seniority of any of the officers nominated, I request the senate to afford me the opportunity of adhering to the rule which, in making these nominations I have established, by notifying me of such mistake.

GABL. SLAUGHTER.

January 18th, 1817.

Gentlemen of the Senate,

I nominate for your advice and consent, Dickson Given, brigade quarter master of the 19th brigade.

John Cunningham, brigade quarter master of the 12th brigade.

Elijah C. Berry, quarter master general of the militia of this state, in place of Thomas P. Dudley, resigned.

Those officers were commissioned by my predecessor since the last session of the general assembly, and their commissions will expire with the present session.

GABL. SLAUGHTER.

January 18th, 1817.

Gentlemen of the Senate,

I nominate for your advice and consent, Robert Poague, major-general of the 7th Division of militia, in place of John Poague, rejected.

William Wakefield, major-general of the 4th Division, in place of Nicholas Miller, rejected.

John H. Morris, brigadier-general of the 21st brigade, in place of John Calloway, who refused to serve.

GABL. SLAUGHTER.

January 18th, 1817.

Bills from the house of representatives of the following titles, to wit: 1st, An act altering the mode of summoning petit jurors in this commonwealth. 2nd, An act relative to the Register's office. 3rd, An act to incorporate the Hope distillery company. 4th An act for the regulation of the town of Scottville and for other purposes; were severally read the second time.

The first was committed to a committee of the whole house on the state of the commonwealth for Tuesday next.

Ordered, That fifty copies of the said bill be immediately printed for the use of the senate.

The second bill was committed to messrs. Lancaster, Churchill and Wickliffe.

The third was ordered to be read a third time.

The rule was dispensed with, and the fourth was read a third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

And then the senate adjourned.

MONDAY, JANUARY 20, 1817.

The senate assembled.

Mr. Welch the senator from Lincoln, &c. appeared and took his seat.

Mr. J. Garrard from the committee of propositions and grievances, made the following report, to-wit :

The committee of propositions and grievances have according to order, had under consideration the petition to them refered, and have come to the following resolution thereupon, to-wit :

Resolved, That the petition of the Kentucky Abolition Society, praying that a law may pass incorporating them, *be rejected*.

Which being twice read,

Mr. Bartlett offered the following as a substitute :

The committee of propositions and grievances to whom was refered the petition of the Abolition Society praying to be incorporated into a body politic and corporate, with power to sue and to be sued, plead and be impleaded; have had the same under their consideration, and beg leave to report it as their opinion, after duly considering the same, that it would be granting an exclusive privilege to a certain sect or society ; the object of which is intended for a gradual emancipation of the people of colour; and that such event would be impolitic and tend greatly to spread discontent throughout the United States, and that such a measure ought never to be countenanced by an individual state sovereignty ; as the framers of our constitution have as wisely provided for that unhappy class of mankind as in their wisdom was thought most prudent ; and should such societies be incorporated throughout the union, such an event in a few years might occasion alarm;

and if encouraged by a foreign power be attended with serious consequences to the citizen, the patriot and the soldier; Therefore,

Resolved, As the opinion of your committee, that the aforesaid petition ought to be rejected.

And the question being taken thereon, it was resolved in the negative; and so the said amendment was rejected.

The said report was then concurred in.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The house of representatives have passed a bill entitled an act concerning commonwealth's attornies; in which they request the concurrence of the senate. And then he withdrew.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. Mason—a bill to authorize the county court of Montgomery to raise by way of lottery the sum of five thousand dollars for the improvement of the public square in the town of Mountsterling, and for other purposes.

On the motion of mr. Owens—a bill to alter the time of holding certain courts and to alter certain judicial districts; and

Messrs. Mason, Lancaster, Thompson and South, were appointed to prepare and bring in the first; and

Messrs. Owens, Hillyar, Worthington, Hardin, Welch, Churchill and Lancaster, the second.

The bill from the house of representatives entitled an act further to regulate the Greenville Seminary; was taken up and amended.

Resolved, That the said bill do pass as amended, and that the title be amended to read "an act concerning the Greenville and Bethel Seminaries."

Ordered, That the clerk inform the house of representatives thereof, and request the concurrence in the said amendments.

A bill to repeal the law forming election precincts in Grayson and Breckenridge counties; was read the second time.

And the question being taken on engrossing the same, it was resolved in the negative. And so the said bill was rejected.

A bill from the house of representatives entitled an act to incorporate the Hope Distillery Company, was read the third time.

The question was taken on the passage thereof, and it was resolved in the affirmative—Yeas 16—Nays 15.

The yeas and nays being required by messrs. Bowmar and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Churchill, Griffin, J. Garrard, Hardin, Jones, Mason, Owens, Parks, Sebree, Smith, Sharp, R. Taylor, Wickliff, Waide and Welch.

Those who voted in the negative are, messrs. Bartlett, Bowmar, Chambers, Ewing, Faulkner, D. Garrard, Lancaster, Perrin, South, Thompson, H. Taylor, Worthington, Wood, Wilson and Yancey.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to-wit:

1, An act to amend the penal laws of this commonwealth, and to suppress the practice of gaming. 2, an act for the benefit of the heirs of John Jackson and James W. Brand, deceased. 3, an act for the relief of certain sheriffs of this commonwealth. 4, an act relatitive to the stream of Nolin, in Hardin county. 5, an act for the benefit of certain delinquent militia of the 38th regiment. 6, an act for benefit of the heirs of Sarah Ward, deceased. 7, an act for the benefit of the heirs of William Morgan, deceased. 8, an act authorizing a sale of part of the public ground in the town of Harrodsburg. 9, an act for the benefit of Caty and Rosa Bennett. 10, an act authorizing a sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville Academy. 11, an act authorizing the county court of Fayette to levy and collect a tax not exceeding 3000 Dollars, for the benefit of the Fayette Hospital; were severally read.

The two former the second time, which were ordered to be read the third time.

The residue of the bills were severally read the first time, and the rule being dispensed with,

The third, fourth, fifth, sixth, eighth, tenth and eleventh, were severally read the second time.

The third was committed to messrs. Owens, Bowmar and Waide. The fourth was laid on the table. The eighth was committed to messrs. Faulkner, Owens and Sebree. The tenth to messrs. Owens, Welch and Lancaster; who by mr. Owens, reported the same with an amendment, which was received, twice read and agreed to; and which was ordered to be read a third time as amended.

The eleventh bill was ordered to be read a third time. The

rule was again dispensed with, and the fifth and sixth were severally read the third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

The seventh and ninth were ordered to be read a second time.

Engrossed bills, to-wit: A bill to increase the active capital of the Bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscriptions on the part of the state. A bill authorizing John Brown to build a permanent toll bridge across the Kentucky river. A bill respecting the conveyance, and also the division of the real estate of which William Kennady, Benjamin Beall and Jennett H. Beall, deceased, late of the county of Campbell, in this commonwealth, died seized. And a bill authorizing a lottery for opening a road from Owensville in Bath county, to Prestonsburg, in Floyd county; were severally read the third time, and the blanks in the two latter filled up.

On motion,

The first was re-committed to the committee of the whole house on the state of the commonwealth.

Resolved, That the others do pass, and that the title be respectively: An act authorizing John Brown to build a permanent toll bridge across the Kentucky river. An act respecting the conveyance, and also the the division of the real estate of which William Kennady, Benjamin Beall and Jennett H. Beall, deceased, late of the county of Campbell, in this commonwealth, died seized. And a bill authorizing a lottery for opening a road from Owensville, in Bath county, to Prestonsburg, in Floyd county.

Ordered, That the clerk do carry the said bills to the house of representatives and request their concurrence.

A message from the house of representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed a bill to provide for the collection of the revenue of Hopkins county, for the year 1815; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Todd:

Mr. Speaker,

The house of representatives have passed bills of the following titles, to-wit: An act for the better regulation of the town of South Frankfort. An act to amend the act for the benefit of actual settlers, also to amend an act appropriating

the vacant land of this commonwealth. An act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes. An act for the benefit of Wm. Marrs. An act for the benefit of the widow and heirs of Abraham Rainey. And an act to regulate the powers and duties of sheriffs, magistrates and constables; in which they request the concurrence of the senate. And then he withdrew.

The nominations of military officers were taken up.

Resolved, That the senate advise and consent to the following nominations:

John Jones, colonel of the 1st regiment, to take rank from the 29th of May, 1815.

Hiram Millott, lieutenant colonel of the same regiment, to take rank from the 18th day of January, 1814.

Jonathan Simpson, colonel of the 2d regiment, to take rank from the 5th day of April, 1815.

John Briant, lieutenant colonel of the same regiment, to take rank from the 5th April, 1815.

Joseph Smith, major of the same regiment, to take rank from the 29th February, 1816.

Benjamin Shacklett, colonel of the third regiment, to take rank from the 25th January, 1816.

John Sneed, lieutenant colonel of the same regiment, to take rank from the 6th September, 1815.

Reuben Rowland, colonel of the 4th regiment.

William Philips, lieutenant colonel of the same regiment.

Thomas Spaulding, major of the same regiment, in place of said Rowland, if promoted.

George M'Afee, colonel of the 5th regiment.

Samuel Debaun, lieutenant colonel of the same regiment.

Robert B. M'Afee, major of the same regiment, in place of George M'Afee, if promoted.

Charles Carter, colonel of the 6th regiment, to take rank from the 27th day of February, 1815.

William Waide, lieutenant colonel of the same regiment, to take rank from the 24th of April, 1815.

James Murrell, major of the same regiment, to take rank from the 26th June, 1816.

William Williams, colonel of the 7th regiment, to take rank from the 24th of April, 1815.

James Dejarnett, lieutenant colonel of the same regiment, to take rank from the 24th of April, 1816.

John Graves, colonel of the 10th regiment, to take rank from the 25th of January, 1816.

John Williams, colonel of the 12th regiment, to take rank from the 10th May, 1814.

John Duvall, lieutenant colonel of the same regiment, to take rank from the 26th January, 1814.

And then the senate adjourned.

TUESDAY, January 21, 1817.

The senate assembled.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate, to bills of the following titles, to-wit:

An act for the relief John Godlett. An act for the relief of Nehemiah Cravens. An act for the relief of Esther Smiley. An act for the relief John M'Combs. They disagree to the amendments offered to the the bill entitled an act authorizing Rudolph Neet to build a mill on Green river. And they have passed a bill entitled an act providing for a change of venue in the case of Armistead Chruchill; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives have adopted a resolution in relation to the law increasing the compensation to members of congress, as follows, to-wit:

In the house of representatives, *Jan. 20th*, 1817.

The report of the committee raised by congress to enquire into the expediency of modifying or repealing the law enacted at their last session, whereby the compensation to the members of that body for their legislative services was varied and enhanced, treats the sentiment expressed by the American people in relation to that measure, with a disrespect and irreverence but little short of undisguised contempt. It is to be regretted that a measure injurious and impolitic, and justly reprobated by the matured opinion of the people, should be vindicated with a contumelious pertinacity throughout all the stages of its abandonment, if indeed it is destined to be abandoned. But while we forbear to comment upon that document and suppress the feelings, other than those of regret, which it is calculated to excite, we cannot forbear to express our wish for the repeal of that obnoxious law. We say obnoxious; for having but just emerged from a war of considerable duration, which, though just and necessary in its origin, and glorious in *event*, was afflictive and expensive in its pro-

gress, it was to be expected that our representatives in congress would display practically that patriotism which they had so often avowed, in sustaining cheerfully their equal share of the common pressure; that they would not, while necessity and policy forbade the taxes to be repealed, or even muchdiminished, have changed the character, and doubled the amount of their own compensation.

Justly obnoxious, because it may form a precedent by the authority of which inroads may in future be made upon the public treasury in times less pure and patriotic than the present: In times when cupidity and avarice shall have triumphed over delicacy and correct sentiment. The retroactive operation of that law cannot, we think, be vindicated. In that respect, it violated a great principle of political and moral *fitness* which has, by the wisdom of the American people, been incorporated in most of their free constitutions: But most justly obnoxious in its change of the per diem into an annual compensation. In this the representative principle, the most characteristic feature of republicanism seems to have been forgotten or neglected; for all experience and the history of governments prove that oppression finds its way most frequently through official channels to the people; that among the members of the official corps in every government there have been harmony of sentiment and sympathy of feeling in relation to power and to money; that under various specious pretext, the one has been accumulated, and the other exacted, until the people have been weakened and impoverished, and consequently oppressed and enslaved. When the representatives of the people, who are their sentinels against danger from official and other sources, shall have erected themselves into salaried officers, other representatives are wanting to supply the place of those who have attached themselves to the body whence danger is most to be apprehended: And this legislature must think that had the members of congress intended to indicate that decorous submission to the will of the people, so often professed, the course to be pursued, was plain, simple and direct; an absolute and unmodified repeal of a law so justly odious, should have been followed by a respectful and contented receipt of that compensation, which time had sanctioned, and which was sufficient to satisfy the economical desires of their predecessors; & a future congress, had the necessity been manifest, should have been permitted to modify and vary and increase the compensation, not to operate and take effect retrospectively, nor immediately, but after the intervention of an election: Wherefore,

Resolved, As the opinion of the members of the legislature of the commonwealth of Kentucky, that the law aforesaid is intrinsically and justly obnoxious, and ought to be repealed.

And it is further resolved, That our senators be instructed, and representatives in the congress of the United States be, and they are hereby requested to use their best influence to procure the unqualified repeal of that law.

Resolved, That his excellency the acting governor be, and he is hereby respectfully requested to transmit to each of our senators and members of the house of representatives in the congress of the United States, a copy of the foregoing statement and resolutions.

In which they request the concurrence of the senate. And then he withdrew.

Mr. Lancaster from the joint committee on the governor's house, made the following report, to-wit:

The joint committee appointed to enquire whether any and if any, what repairs ought to be made to the house and lot occupied by the lieutenant governor; also whether any and if any, what repairs or additions ought to be made to the furniture belonging to said house, the property of the commonwealth, &c.; have performed the duty assigned them, and ask leave to report:

That your committee find the dwelling house, kitchen, stable, carriage-house and a considerable part of the fence that encloses the lot, are very much out of repair. The roofs of buildings are old and decayed, and need to be made entirely new. The back steps of the dwelling house and two pair of steps leading into the passage between the dwelling house and kitchen, the floor of said passage and the frames to the cellar windows, are very much decayed, and need to be made entirely new. Several of the floors of the dwelling house have sunk some distance and need repairing. Several of the chimney pieces are old and shattered, and need to be repaired.—Several of the hearths in the fire places have sunk down and need to be laid entirely new; some of the plastering needs to be repaired; there has never been any window shutters to the dwelling house, and shutters ought to be made. Some of the glass is missing out of the windows, and ought to be replaced. The closets have very few locks and keys, which are much needed. A brick oven is entirely fallen down and needs to be rebuilt. The stable and carriage house are small frame buildings, the roofs decayed part of the weather boarding torn off, and the stable only calculated to hold four horses; a considerable part of the fence that encloses and di-

vides the lot (the most of which is of plank) is decayed, many of the posts rotted off, and nearly the whole needs to be made new or repaired. The walk out side of the fence and between the fence and that part of the street that is used by waggons, &c. is several feet higher than the other part of the street. The ground that affords the most direct passage from the government house to the capital and secretary's office, &c. ought to be paved.

Your committee find that at the time the acting governor took possession of said house and lot, (to-wit,) on the 7th of November, 1816: The following furniture belonging to the government was delivered with it by the executor of the late governor, and no other, to-wit:

One corner cupboard with glass shutters, three settees, 41 chairs, 10 tables, one side-board, one desk, one book case, one screen or set of shelves, two pair of and irons, of cast iron, with brass knobs, both pair small, one pair the knobs broken of. That all the furniture is old, the most of it clumsy, a great part of it shattered and unfit for use. After enumerating the foregoing particulars, your committee recommend the adoption of the following resolutions:

Resolved, That the stable, carriage house and all the house hold furniture, be sold.

Resolved, That a new brick stable and carriage house be built, the stable to be large enough at least to hold eight horses, that the ground between the lot and that part of the street used by waggons, &c. be levelled with the remainder of the street, and that a wall of stone be built in the front of the lot, to be raised above the ground, and that of strong banister work be erected on the wall; that a walk to commence at the south-easterly corner of the public ground, on which the government house stands, and to extend on the easterly and northerly sides, as far as the lot extends, be paved with brick, that the pavement on the easterly side be 10 feet wide, the other 8 feet wide, that the other parts of the fencing that encloses and divides the lot be repaired; that the houses and lot be so repaired as to embrace all the repairs that have been suggested, with such others as may be necessary, so as to place the whole in decent and good repair, to include the necessary painting.

Resolved, That the following articles of house-hold furniture be purchased for the use of the government house, to-wit:

One side-board, one corner cupboard, one secretary, one book case, two clothe presses, two desks, ten bedsteds, four of them with testers, four settees, four dozen windsor

chairs, two Madison tables, eight square leafed tables of different sizes, eight pair of andirons, eight pair of shovels and tongs.

The expence of the foregoing repairs, purchases, &c. will in the opinion of this committee, amount to about the sum of $ 2828, consisting of the following items: Stable and carriage house, $ 700, front of the lot $ 200, the other fencing $ 100, paving $ 250, roofs of houses $ 200, window shutters $ 300, three pair of steps $ 45, nine window grates for cellar windows, $ 45, passage floor, $ 27, repairing floors and chimney pieces, $ 15, hearths, $ 10, locks, $ 5. *Furniture.* Side-board, $ 150, cupboard, $ 40, secretary, $ 20, book-case, $ 50, clothes press, $ 45, bed-steads, $ 120, settees, $ 60, chairs, $ 96, tables, $ 100, andirons, $ 100; shovels and tongs, $ 50, desks, $ 90.

Resolved, That the lieutenant governor, together with two other persons, to be appointed by him, be appointed a committee to carry into effect the foregoing resolutions.

Resolved, That a law ought to pass appropriating $ to defray the expence thereof, to be paid out of any money in the treasury, not otherwise appropriated, to be drawn in such proportions, and at such times as the lieutenant governor may direct, on warrants to be issued by the Auditor for that purpose, by virtue of certificates, signed by the lieutenant governor, all which is respectfully submitted.

JOHN LANCASTER,
ABRAHAM CHAPLINE, } *Of the Senate.*

SAMUEL SHEPARD.
WILLIAM M'MILLAN,
WM. B. BLACKBURN, } *Of the house of representatives.*

Which was received, read and ordered to lie on the table.

Mr. Speaker laid before the senate a number of memorials from various sections of the commonwealth, in favor of the confirmation of the nomination of judge Johnson, which were refered to the committee on the said nomination.

Bills from the house of representatives of the following titles, were reported from the respective committees to whom the same were refered with amendments to each, to-wit:

By mr: Owens—an act for the relief of certain sheriffs in this commonwealth. By mr. Lancaster—an act relative to the Register's office. By mr. Faulkner—an act authorizing the sale of part of the public ground in the town of Harrodsburg; which being received, were twice severally read.

Those to the first and third were agreed to, and the bills severally read the third time as amended.

The first was laid on the table.

Resolved, That the third bill do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence in the said amendment.

The second bill and amendment was laid on the table.

The following bills were presented from the respective committees appointed, to-wit:

By mr. Bowmar—a bill to increase ware-house rents, and the fees of inspectors of tobacco. By mr. Mason—a bill to authorize the county court of Montgomery, to raise by lottery the sum of five thousand dollars for the improvement of the public square, in the town of Mountsterling, and for other purposes; which being received, were severally read the first time.

The rule was dispensed with and the former bill was read a second time, and committed to a committee of the whole house on the state of the commonwealth.

The latter bill was ordered to be read a second time.

Mr. Chambers from the joint committee of enrollments reported, that the committee had examined sundry enrolled bills and found the same truly enrolled:

An act for the benefit of Thomas Simpson. An act to alter the time of holding the chancery term of the Jefferson circuit court. An act for the relief Hugh Henderson and others. An act to incorporate the Stanford Library Company. An act authorizing Floyd county court to sell part of their public ground. An act for the relief of Archelaus Vanhook, late sheriff of Nicholas county.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker then signed the said bills, being the same reported by mr. Chambers, and they were delivered to the joint committee of enrollments to be presented to the lieutenant governor for his approbation.

A message from the house of representatives by mr. M'Coun

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of the heirs of John M'Afee; in which they

request the concurrence of the senate. And then he withdrew.

On the motion of mr. Griffin,

The vote of rejection on the bill to repeal the law forming election precincts in Grayson and Breckenridge counties, was re-considered, and the bill was ordered to be engrossed and read a third time.

On the motion of mr. Owens,

Leave was given to bring in a bill concerning public jails; and messrs. Owens, Yancey, Simrall and J. Garrard, were appointed to prepare and bring in the same.

The senate according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Welch in the chair, and after some time spent therein, mr. speaker resumed the chair, and mr. Welch reported, that the committee had taken into consideration bills from the house of representatives of the following titles, to-wit:

An act further to regulate the general court, and for other purposes. And an act altering the mode of summoning jurors in this commonwealth; and had gone through the same with amendments to the latter.

A message from the house of representatives by mr. D. White:

Mr. Speaker,

The house of representatives have unanimously adopted an adress to the lieutenant governor, for the removal of Thomas Wingate, a justice of the peace in Henry county, as follows, to-wit:

The select committee appointed to enquire into sundry charges made known to the house of representatives against Thomas S. Wingate, a justice of the peace for the county of Henry, have performed the duty to them assigned, by calling the accused before them, together with sundry witnesses against him and in his favor; by examining all the testimony on both sides, and hearing the accused both by himself and counsel; and have after mature deliberation unanimously adopted the following report, to-wit:

It but seldom falls to the lot of enquiry or trying officers to have to record a blacker catalogue of crimes than is established by the evidence against the accused; and for the honor of human nature and the credit of that respectable and necessary body of magistracy, styled justices of the peace, your committee sincerely hope that such instances of depravity will very seldom occur. Your committee have not thought pro-

per to report all the evidence in detail, because it is not contradictory or doubtful; but they have reported in the address accompaning this report, the facts which they know are indubitably established. They have therefore determined to recommend to the legislature to adopt an address of both branches, requiring from the executive a removal of the accused from office, agreeably to the provisions of the constitution; and to effectuate that object, they report for consideration the following resolution and address, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, (two thirds of each branch concurring therein,) That Thomas S. Wingate, a justice of the peace in and for the county of Henry, ought to be removed from the office of justice of the peace; and that the following address be presented to his excellency Gabriel Slaughter lieutenant governor, acting as governor of this commonwealth, in order that said removal may be effected.

To His Excellency Gabriel Slaughter Lieutenant Governor, acting as Governor of the Commonwealth of Kentucky.

According to the provisions of the constitution of this state the senate and house of representatives, (two thirds of both houses concurring,) present you this address, requiring you to remove from office Thomas S. Wingate, a justice of the peace in and for the county of Henry, for the following causes and reasons, which they have caused to be stated at length on the journals of both houses, to-wit:

First. The said Thomas S. Wingate while acting officially as a justice of the peace under the commission he now holds, first rendered a judgment in favor of Andrew Buchanan for the sum of two dollars, against John Swift, when it was known to him that the consideration was gaming; and speedily after rendering that judgment, the said Swift and Buchanan commenced playing and betting again on a game of cards; and after Buchanan had won two more dollars of Swift, the justice in question proposed to play the hand of Swift against Buchanan, to which Swift agreed; the justice then extracted from Swift a promise, that if he, Swift, should lose on the play of the justice, he, the justice, should be permitted to render judgment against Swift for the amount lost. The game proceeded between the magistrate and Buchanan until Swift had lost eight dollars more; which added to the two before won, made the sum of ten dollars. This sum Swift declined paying, because he had not the money at hand. The justice forthwith issued his warrant, entered a judgment by confession on his record, without the defendant Swift having made

any confession other than the corrupt agreement before alluded to with the justice; that if Swift lost, the justice should give judgment, and he awarded execution whereby Swift was imprisoned.

Secondly. The said Thomas S. Wingate had become indebted to a certain John Satterwhite the sum of fifty dollars, for a horse purchased, for which he had given his note. He next won of the same John Swift, at the game called cross and pile, about one hundred and fifty dollars. He then induced Swift to give his note for fifty dollars, part of the money won, to the said Satterwhite and lift the note of said Wingate; on this note the said Wingate immediately issued his warrant, gave judgment and awarded execution against the body of Swift.

Thirdly. He on the seventh of December last, in the town of New Castle, during the continuance of his office played at cards in an open stable in day-light, for upwards of one hour.

Fourthly. On a late occasion after the said Wingate had empanneled a jury to try rioters, and they had disagreed in their verdict, and he had been called in to instruct them on the law of the case, he agreed at the solicitation of the jury, and on their furnishing him with funds for that purpose to provide & furnish them with spiritous liquors: after the introduction of spirits, the quantity brought was still increased until he and many of the jury became intoxicated, hollooing and ludicrous scenes succeeded in their sport, of which the magistrate bore his part, his face was painted and blackened with the snuff of the candle, and they continued to revel, till late at night the jury dispersed; to punish the jury for separation and dispersion from this cabal, the magistrate issued his process, and afterwards withdrew it, on being threatened that measures would be taken to remove him from office if he persisted.

Fifthly. After charges were framed and verified by affidavit, and lodged in the hands of David White, jr. a member of the house of representatives, to be laid before that body for the purpose of instituting an enquiry against the said magistrate, he got by some means not necessary to detail, the horse of John Swift, the prosecutor into his possession, and refused to re-deliver him unless the prosecutor would sign an order to said White to withdraw the charges. After writing one or two orders containing words which negatived the truth of the charges, and the said Swift having refused to sign them he drew one, which amounted in its terms sim-

ply to an order to withdraw the charges, which Swift executed. This order, said White did not think proper to comply with, and returned it to Wingate, who again presented it before the committee with these words added, "and I am in the error." This forgery was detected, and completely established against him during the progress of the investigation into his conduct.

Sixthly. The said Wingate, while acting as a magistrate on the bench of the county court of Henry, was appointed a captain of patrollers, with a company of four others: for the services of himself and these patrollers, he procured an allowanbe to be made for his own benefit, and transfered it to others on the record; and although the evidence in this point, is not conclusive, yet it is such as to induce a strong belief that neither Wingate as captain, or his associates or patrollers performed any of the duties assigned by law to patrollers, and that his associates never even knew of their appointment till the money was levied and collected from the county. For the justice himself confessed to one of the witnesses that he had hired men by treats of whiskey to take scouts with him, by way of patrolling, as a pretext for the claim against the county.

Seventhly. To all this, may be added, that the said Thomas S. Wingate, is notoriously a drunkard and a gamester, and wears notoriously the obnoxious character of a cheat, a swindler and liar, to the prejudice of the rights of the good people of this state; for these reasons we require a removal of said Thomas S. Wingate from office.

In which they request the concurrence of the senate. And then he withdrew.

And then the senate adjourned.

WEDNESDAY, January 23, 1817.

The senate assembled.

Mr. Lancaster presented a petition of Elizabeth Eggleston and Sarah M. Waller, of Virginia, praying for the appointment of commissioners for the purpose of selling certain lands in Washington county, in which minors are interested:

Which was received, read and with certain accompanying documents, refered to the committee of propositions and grievances, who have liberty to report by bill or otherwise.

Mr. Chambers from the joint committee of enrollments, reported that the committee had on yesterday laid before the lieutenant governor the enrolled bills last signed.

A message from the house of representatives by mr. Todd:

Mr. Speaker,

The house of representatives have passed a bill entitled an act authorizing Daniel Weisiger to convey certain lots in the town of Frankfort; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Goode:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of Henry Martin; in which they request the concurrence of the senate. And then he withdrew.

The senate took up the bill from the house of representatives entitled an act further to regulate the general court and for other purposes, which is in the following words, to-wit:

§ 1. *Be it enacted by the general assembly of the Commonwealth of Kentucky,* That so much of any law or laws of this commonwealth as authorises or requires a circuit judge or judges, to preside in and hold, or constitute the general court, shall be and the same are hereby repealed.

§ 2. *Be it further enacted,* That a judge shall be appointed and commissioned, who shall be styled the judge of the general court, and who shall possess all the powers, and exercise all the functions heretofore possessed and exercised by the judges of that court; and who shall preside in, hold and constitute the said general court; and he shall hold the terms of said court as heretofore, except that the term heretofore holden the month of July, shall be holden, commencing on the first Monday of May; and he may continue each term so long as the business before the court requires; and may hold as many adjourned terms as shall be necessary to do the business pending in said court, and as shall be compatible with the other duties assigned him by this act.

§ 3. *Be it further enacted,* That the tenure of office of the different officers of said court, except the former judges, shall not be affected by the passage of this act, but they shall continue and exercise their respective functions as heretofore.

§ 4. *Be it further enacted,* That the jurisdiction of the said general court shall not be impaired or diminished hereby, but remain precisely as heretofore, except that the said court shall not have jurisdiction of any cause whatever, hereafter instituted in said court, which does not relate to a franchise, or freehold, unless the matter or thing in controversy, shall be of the value of five hundred dollars; and if in any action or suit in law or equity, hereafter instituted in said court, less than five hunderd dollars, shall be found by the

verdict of the jury upon the trial of such action at law, or be ascertained by the court upon the trial of any suit in equity, in favor of the plaintiff or plaintiffs, or complainant or complainants, it shall be the duty of the court to enter a non-suit against the plaintiff or plaintiffs in such action at law, or to dismiss such suit in equity without prejudice, and in either case to award costs in favor of the defendant or defendants, against the plaintiff or plaintiffs, or complainant or complainants, (as the case may be.) from which decree of dismission, or judgment of non-suit, the party whose suit is so dismissed or is so non suited, shall be entitled to an appeal, or writ of error to reverse the same, under the same rules and regulations which apply to appeals and writs of error in other ca-cases: *Provided however*, that no party shall be non-suited, or have his suit dismissed agreeably to the foregoing provisions, whose demand has been reduced below the sum of five hundred dollars by a discount or set off: And provided also, that nothing in this section shall be so construed as to abridge the jurisdiction of said court, in any action, suit or motion wherein the commonwealth or penitentiary is a party.

§ 5. *Be it further enacted*, That the said court shall have exclusive original jurisdiction of all causes or actions of debt, contracts or demands due to the Penitentiary of this state, where the sum shall exceed the sum of twenty of dollars: Provided however, that nothing in this section contained shall be so construed as to affect or impair the jurisdiction of any court or tribunal before whom suitsare now depending, or may be commenced in favor of said in-stitution before the first day of May next.

§ 6. *Be it further enacted*, That there shall be allowed to the said judge of the general court the annual salary of *twelve hundred dollars*, to be paid quarterly out of the public treasury.

§ 7. *Be it further enacted*. That it shall be the duty of the attorney general of this commonwealth to attend to and prosecute all suits and actions which may be instituted in said court on behalf the penitentiary; and in all actions wherein any defendant shall succeed, which may be brought against him on account of said penitentiary, the court shall award costs against the commonwealth, to be paid out of the funds of the penitentiary.

§ 8. *Be it further enacted*, That the county of Fayette shall be, and the same is hereby detached from the third judicial district, and the judge of the general court shall sit and preside in, and hold the circuit courts in and for the said county, in the same manner as the circuit judge of that dis-

trict is authorized to do; and he shall possess in said circuit courts for said county, the same jurisdiction, both civil and criminal, and at law, and in equity, which is now holden or exercised by said circuit judge.

§ 9. *Be it further enacted*, That in place of the terms of said circuit court now holden by law in and for said county of Fayette, there shall be holden anually in and for said county, two terms for the trial of chancery causes, to commence on the first Mondays in February and August, and four terms for the trial of criminal and common law causes to commence on the third Mondays in March, June and September, and the first Monday in November; each of the terms aforesaid to be holden and continued for twenty-four juridical days, if the business of the court shall require it. All recognizances and process of every kind now made returnable to the next March term of the Fayette circuit court, shall be and the same are hereby made returnable to the first day of the next March term, directed by this act; and the same shall be as binding and valid in all respects as they would have been at the next March term, if this act had not passed. The county courts in and for said county of Fayette, shall be held as heretofore.

§ 10. *Be it further enacted*, That all chancery process in said county of Fayette, may be returned to the chancery terms constituted by this act, according to the laws now in force regulating such process.

And the question on a third reading thereof being put, it was resolved in the negative—Yeas 16—Nays 17.

The yeas and nays being required by messrs. Owens and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Chambers, Ewing, J. Garrard, Hillyar, Hardin, Parks, Sebree, Sharp, Simrall, Thompson, R. Taylor, H. Taylor and Welch.

Those who voted in the negative are, messrs. Churchill, Faulkner, Griffin, D. Garrard, Jones, Lancaster, Mason, Owens, Perrin, South, Smith, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

And so the said bill was rejected.

Ordered, That mr. Bowmar inform the house of representatives thereof.

The bill from the house of representatives entitled an act altering the mode of summoning petit jurors in this commonwealth, was with the amendments reported from the committee of the whole house was taken up, and

The said amendments after being twice severally read were agreed to.

The bill was then further amended at the clerk's table.

Mr. Bartlett offered an amendment as a substitute for the whole matter, which was after being read re-committed with the original bill and the other amendments to messrs. Bartlett, J. Garrard, Lancaster, Simrall, Churchill, Hillyar and Bowmar.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. Ewing—a bill to prevent the practice of surveying lands manifestly off and at a distance from their original location. By mr. Hillyar—a bill altering the time of holding the circuit courts of Muhlenburg, Hopkins, Daviess and Ohio; and messrs. Ewing, Owens, Hillyar and Sharp, were appointed to prepare and bring in the former; and messrs. Hillyar, Worthington and Yancey, the latter.

The said bills were then respectively presented and received.

The former was read the first time and ordered to be read a second time.

The latter was read the first time and the rule being dispensed with, it was read a second time, and committed to messrs. Chambers, Hillyar and Churchill, who by mr. Chambers, reported the same with an amendment, which was received, twice read and agreed to.

Ordered, That the said bill as amended be engrossed and read a third time.

Mr. Bowmar from the committee to whom was refered the bill from the house of representatives entitled an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased, reported the same with an amendment, which being received was twice read and agreed to.

The bill was read the third time with the amendment.

Resolved, That the said bill do pass as amended, and that the title be amended to read, "an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased, and for the benefit of William Breckenridge."

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

The bill from the house of representatives entitled an act relative to the stream of Nolin, in Hardin county, was taken up, read the third time and amended at the clerk's table.

Resolved, That the said bill do pass as amended, and that

the title be amended to read, "an act relative to the stream of Nolin, in Hardin county, and the streams of the Beech and Rolling forks of Salt river."

Ordered, That the clerk inform the house of representatives thereof and request their concurrence in the said amendments.

Mr. Simrall read and laid on the table following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, That the public printer be directed forthwith to print thirty-five hundred copies of the act passed at the present session, to amend the act to reduce into one the several acts concerning the militia; to be printed in a size and form to correspond with the present act on that subject; and that the secretary of state cause to be distributed to each commissioned officer in the militia of this state one copy.

Mr. Owens from the committee appointed for that purpose, presented a bill concerning public jails; which was received and read the first time, and ordered to be read a second time.

On the motion of mr. Lancaster,

The bill from the house of representatives entitled an act concerning the Register's office, and the amendment proposed thereto by the select committee was taken up.

The amendment was again read and agreed to.

The bill was then read the third time with the said amendment.

Resolved, That the said bill do pass as amended, and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

An engrossed bill to incorporate the Lexington and Louisville Turnpike Road Company, and to incorporate the Maysville and Lexington Turnpike Road Company, was read the third time, and the blanks therein filled up.

Resolved, That the said bill do pass, and that the title be, "an act to incorporate the Lexington and Louisville Turnpike Road Company, and to incorporate the Maysville and Lexington Turnpike Road Company."

Ordered, That mr. Simrall do carry the said bill to the house of representatives and request their concurrence.

And then the senate adjourned.

THURSDAY, JANUARY 23, 1817.

The senate assembled.

Mr. J. Garrard from the committee of propositions and

grievances presented a bill for the benefit of the heirs of Edmund Eggleston, junior, and Punphrell Waller, deceased; which was received and read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

The resolution for printing a certain number of copies of the militia law was taken up, twice read and agreed to.

Ordered, That mr. Simrall inform the house of representatives thereof and request their concurrence.

An engrossed bill for the benefit of David James and John Mitchuson, was read the third time.

Resolved, That the said bill do pass, and that the title be, "an act for the benefit of David James and John Mitchuson."

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

Bills from the house of representatives of the following titles, to-wit:

1, An act to provide for the collection of the revenue of Hopkins county, for the year 1815. 2, an act for the better regulation of the town of South Frankfort. 3, an act concerning commonwealth's attornies. 4, an act to amend the act for the benefit of actual settlers, also to amend an act appropriating the vacant land in this commonwealth. 5, an act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes. 6, an act for the benefit of William Marrs. 7, an act for the benefit of the widow and heirs of Abraham Rainey. 8, an act to regulate the powers and duties of sheriffs, magistrates and constables. 9, an actfor the benefit of the heirs of William Morgan, dec. 10, an act for the benefit of Caty and Rosa Bennett. 11, an act to amend the penal laws of this commonwealth, and to suppress the practice of gaming; were severally read,

The first eight the first time, the ninth and tenth the second time, and the eleventh, the third time.

The rule was dispensed with, and the first, second, fourth, fifth, sixth, seventh and eighth, were severally read the second time.

And the question being taken on reading the third a second time, it was resolved in the negative. And so the said bill was rejected.

Ordered, That mr. Bowmar inform the house of representatives thereof.

The fourth and sixth were ordered to be read a third time. The eighth was committed to a committee of the whole house on the state of the commonwealth.

The rule was then again dispensed with, and the first, second, fifth and seventh, together with the ninth and tenth were severally read the third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

The eleventh was committed to a committee of the whole house on the state of the commonwealth.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of Thomas Rankin, senr. in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Breckridge:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of George W. Morton, in which they request the concurrence of the senate. And then he withdrew.

Mr. Chambers from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled an act concerning the town of Louisville; and found the same truly enrolled.

Mr. Wickliff from the committee on the nomination of John Trimble, Esq. made the following report, to-wit:

The select committee to whom was refered the nomination of John Trimble, Esq. for circuit judge, have had the same under consideration, and have with much care and attention, examined sundry witnesses, touching his capacity, qualification and moral deportment, and having maturely deliberated thereon, they think it a duty they owe to mr. Trimble, to state that the evidence produced was numerous and respectable, and from almost every part of the district, and that the evidence not only establishes the said John Trimble to be a man of fair and unsullied reputation, but that he is eminently qualified to discharge the duties of a circuit judge.

Your committee therefore beg leave to recommend the adoption of the following resolution:

Resolved, That the nomination of John Trimble, Esq. as a circuit judge, ought to be confirmed.

Which being received, was twice read, and

The question being taken thereon, it was resolved in the affirmative—Yeas 28—Nays 4.

The yeas and nays being required by messrs. Parks and Perrin, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and

messrs. Bartlett, Bowmar, Churchill, Chambers, Ewing, Hillyar, Hardin, Lancaster, Mason, Owens, Perrin, Parks, Sebree, South, Sharp, Simrall, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wickliff, Wood, Waide, Welch, Wilson and Yancey.

Those who voted in the negative are, messrs. Faulkner, J. Garrard, D. Garrard and Jones.

Resolved, That the senate advise and consent to the said nomination of John Trimble, Esq. as a circuit judge in this commonwealth.

Mr. Chambers from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills and found the same truly enrolled, to-wit:

An act to incorporate the Hope Distillery Company. An act for the benefit of John M'Combs. An act for the relief of John Goodlett. An act for the relief Nehemiah Cravens. An act for the relief of Esther Smiley. An act for the benefit of the heirs of Sarah Ward, deceased. An act for the benefit of certain delinquent militia of the 38th regiment.

A resolution requiring the Auditor to make out a list of lands sold at the Register's sales in November last.

Bills from the house of representatives of the following titles, were severally read the third time, to-wit:

1, An act to for the benefit of the heirs of John Jackson, and James W. Brand, deceased. 2, an act authorizing the county court of Fayette to levy and collect a tax not exceeding three thousand Dollars, for the benefit of the Fayette Hospital. 3, an act authorizing the sale of part of the public ground in the town of Danville, and to incorporate the trustees of the Danville Academy.

Resolved, That the said bills do pass with the amendments heretofore made to the latter, and that the title thereof be amended to read, "an act authorizing a sale of part of the public ground in the town of Danville, and to incorporate the trustees of the Danville Academy, and for other purposes.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

A bill from the house of representatives entitled an act for the benefit of the heirs of John M'Afee, was read the first time and ordered to be read a second time.

And then the senate adjourned.

FRIDAY, JANUARY 24, 1817.

The senate assembled.

Mr. Churchill presented a report of a committee selected by a town meeting of the citizens of Louisville, and a petition in relation to founding a Hospital in or near the said town; which was received, read and refered to messrs. Churchill, Welch, Sharp and Chambers, who have liberty to report by bill or otherwise.

A message from the house of representatives by mr. Ewing:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of Sally W. Boler; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives have passed bills of the following titles: 1, an act authorizing repairs to be made to the public buildings in the occupancy of the governor; 2, an act to amend and explain an act entitled an act to amend the act to ascertain the boundaries of, and for processioning lands; 3, an act for the relief of Isaac Harel; and 4, an act for the benefit of William Wright; in which they request the concurrence of the senate. And then he withdrew.

Mr. Owens from the committee appointed for that purpose, presented a bill altering the time of holding certain circuit courts and changing certain judicial districts, which was received and read the first time and ordered to be read a second time.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. Sharp—a bill to incorporate the Lexington Brewery. On the motion of mr. Hardin—a bill to provide for the payment of certain officers who attended the court of enquiry called to examine charges against lieutenant colonel Thomas Barbour; and

Messrs. Sharp, Faulkner, J. Garrard and Welch, were appointed to prepare and bring in the former; and messrs. Hardin, Owens, Wickliff and Hillyer, the latter.

The resolution for a final adjournment of the legislature was taken up, and the consideration of the amendment offered thereto by the house of representatives, was postponed until Friday the thirty-first instant.

A message from the house of representatives by mr. Coburn:

Mr. Speaker,

The speaker of the house of representatives having signed

sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker signed the bills, being those last reported by mr. Chambers, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

A message from the house of representatives by mr. M'Coun:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of Marlbro, a person of color, in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled an act to compel circuit judges to reside within the bounds of their circuits, with an amendment; in which they request the concurrence of the senate. And then he withdrew.

The said amendment was then twice read and concurred in.

Ordered, That mr. Owens inform the house of representatives thereof.

An engrossed bill to repeal the law forming election precincts in Grayson and Breckenridge counties, was read the third time.

Resolved, That the said bill do pass, and that the title be, an act to repeal the law forming election precincts in Grayson and Breckenridge counties.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

A message from the house of representatives by mr. M'Mahan:

Mr. Speaker,

The house of representatives have passed the bill from the senate entitled, an act to incorporate the Henderson Library Company. And then he withdrew.

The senate took up the amendment proposed to the bill from the house of representatives entitled an act authorizing Rudolph Neat to build a mill on Green river, which was disagreed to by that house.

Resolved, That the senate recede from the said amendment.

Ordered, That mr. Owens inform the house of representatives thereof.

A bill from the house of representatives entitled an act

providing for a change of venue in the case of Armistead Churchill, was read the first time, and

Mr. Owens moved to strike out the word "Shelby," and the question being taken thereon, it was resolved in the negative—Yeas 11—Nays 19.

The yeas and nays being required by messrs. Bartlett and Owens, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Ewing, Griffin, Hillyer, Hardin, Lancaster, Mason, Owens, Sharp, Smith, Wood and Wilson.

Those who voted in the negative, are mr. Speaker, and messrs. Bartlett, Bowmar, Chambers, J. Garrard, D. Garrard, Jones, Perrin, Sebree, South, Simrall, Thompson, R. Taylor, H. Taylor, Worthington, Wickliff, Waide, Welch and Yancey.

The rule was then dispensed with and the bill was read the second and third time; and on motion amended at the clerk's table.

Resolved, That the said bill do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence in the said amendments.

A bill authorizing a lottery in Mountsterling was read the second time, and the rule being dispened with, it was read a third time.

Resolved, That the said bill do pass, and that the title be, an act to authorize a lottery in the town of Mountsterling.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

An engrossed bill for changing the time of holding the circuit courts of Muhlenburg, Hopkins, Daviess and Ohio, was read the third time.

Resolved, That the said bill do pass, and that the title be, an act to alter the time of holding sundry courts in this commonwealth.

Ordered, That the clerk inform the house of represensentatives thereof and request their concurrence.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of Isaac Greathouse; in which they request the concurrence of the senate. And then he withdrew.

On motion,

Resolved, That 9 o'clock A. M. be the standing hour of adjournment for the residue of the session.

And then the senate adjourned.

SATURDAY, JANUARY 25, 1817.

The senate assembled.

A message from the house of representatives by mr. White:

Mr. Speaker,

The house of representatives have passed bills from the senate of the following titles, to-wit: An act for the benefit of the sheriff of Caldwell county. An act for an election precinct in the county of Livingston. An act for the relief of John M'Ferrin, sheriff of Barren county. An act authorizing the trustees of Maysville to sell their public ground.—An act to regulate the town of New-Castle, in Henry county. An act to alter the time of holding the circuit courts of Casey county. An act legalizing certain proceedings of the Warren Seminary; and an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county, with amendments to the four latter. And they have passed a bill entitled an act to legalize the proceedings of the Estill county court and for other purposes; in which amendments and bill they request the concurrence of the senate. And then he withdrew.

The amendments offered by the house of representatives to the two latter bills from the senate were twice read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Robinson:

Mr. Speaker,

The house of representatives have adopted the following, resolution, to-wit:

IN THE HOUSE OF REPRESENTATIVES, *January 25th,* 1817.

Resolved, By the general assembly of the commonwealth of Kentucky, that a committee of three from the senate and six from the house of representatives, be appointed to examine a machine for breaking hemp and flax, invented by Thomas Pullen, a model of which is now in Frankfort, and to report their opinion thereupon to each branch of the legislature.

An Extract,

ROBERT S. TODD, C. H. R.

In which they request the concurrence of the senate. And then he withdrew.

The resolution was then read twice, and the question being

taken thereon, it was resolved in the negative. And so the said resolution was rejected.

Ordered, That the clerk inform the house of representatives thereof.

Mr. Chambers from the joint committee reported that the committee had examined enrolled bills of the following titles, to-wit: An act to compel circuit judges to reside within the bounds of their circuits; and an act to incorporate the Henderson Library Company; and found the same truly enrolled. He also reported that the committee had laid before the lieutenant governor for his approbation the bills last signed.

The following bills were presented from the committee appointed, to-wit: By mr. Sharp—a bill to incorporate the Lexington Brewery. By mr. Hardin—a bill to provide for the payment of certain officers who attended the court of enquiry called to examine charges exhibited against lieutenant colonel Philip Barbour; which being received, were severally read the first time.

On motion,

The rule was dispensed with and the former was read the second and third time.

Resolved, That the said bill do pass, and that the title be, an act to incorporate the Lexington Brewery Company.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

The latter bill was ordered to be read a second time.

Mr: Thompson from the committee on the nomination of judge Johnson, made the following report, to-wit:

The select committeee to whom was refered the nomination of Benjamin Johnson, Esq. for a circuit judge, have had the same under consideration, and made such inquiries therein, as have satisfied them so as to recommend to the senate the adoption of the following resolution:

Resolved, That the senate ought to advise and consent to the appointment of the said Johnson to the said office.

Which being received, was twice read, and the question being taken thereon, it was resolved in the affirmative—Yeas 23—Nays 6.

The yeas and nays being required by messrs. Sebree and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, mr. speaker; and messrs. Bowmar, Churchill, Chambers, Ewing, Griffin, Hillyer, Hardin, Owens, Sebree, South, Sharp, Simrall, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wickliff, Wood, Welch, Wilson and Yancey.

Those who voted in the negative, are messrs. D. Garrard, Jones, Lancaster, Mason, Perrin and Waide.

Resolved, That the senate advise and consent to the said nomination of the said Benjamin Johnson, Esq. as a circuit judge in this commonwealth.

Messrs. Owens, Lancaster and Yancey, were appointed a committee to acquaint the lieutenant governor of the confirmation of the nominations of the circuit judges.

A message from the house of representatives by mr. Reeves:

Mr. Speaker,

The house of representatives have passed bills from the senate of the following titles, to-wit: An act for the benefit of Benjamin Fisher. An act for the relief of Joshua Cates. An act further to suspend law process in certain cases. An act for the benefit of the securities of William Johnson, late sheriff of Shelby county, with amendments to the latter, in which amendments they request the concurrence of the senate. And then he withdrew.

The said amendments were severally twice read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

On the motion of mr. Welch,

The vote taken yesterday on the passage of the bill from the house of representatives entitled "an act for a change of venue in the case of Armistead Churchill," was re-considered, and the bill committed to messrs. Sharp, Owens, Lancaster, Hillyer, Bowmar, Smith, Welch and Ewing.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate, for the signature of their speaker. And then he withdrew.

Mr. speaker signed the bills being those reported to have been enrolled on yesterday and to-day by mr. Chambers, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

The nomination of John H. Morris as brigadier general of the twenty-first brigade was taken up.

Resolved, That the senate advise and consent to the said nomination, and that messrs. R. Taylor, Simrall and Jones, acquaint the lieutenant governor therewith.

On the motion of Churchill,

Ordered, That the committee of the whole house be dis-

charged from any further consideration on the resolution introduced by mr. Wickliff on the eleventh of December last, respecting a branch bank of the United States; and the said resolution was taken up, together with the amendment offered thereto in lieu thereof, by mr. H. Taylor, when the subject was committed in these words: to-wit:

Resolved, That it is inexpedient at this time to take into consideration any subject relative to a branch bank of the United States, being located in this state.

Mr. Jones moved that the subject be laid on the table until the first day of March next; and the question being taken thereon, it was resolved in the affirmative—Yeas 18—Nays 7.

The yeas and nays being required by messrs. Wickliff and Perrin, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bowmar, Churchill, Chambers, Griffin, Hillyer, Jones, Lancaster, Owens, Perrin, Sebree, Sharp, Simrall, Smith, R. Taylor, H. Taylor, Worthington and Yancey.

Those who voted in the negative are, messrs. Ewing, Garrard, Hardin, Wickliff, Wood, Waide and Wilson.

On motion,

Ordered, That messrs. J. Garrard and Faulkner have leave of absence from the service of the senate until Monday next.

The resolution from the house of representatives in relation to the law increasing the compensation to members of congress, was twice read and unanimously agreed to.

Ordered, That the clerk inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to-wit: An act for the benefit of Henry Martin. An act authorizing Daniel Weisiger to convey certain lots in the town of Frankfort. An act for the relief of George W. Morton. An act for the relief of Thomas Rankin, senr.—were severally read the first time, and the rule being dispensed with, they were severally read the second and third times.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

A bill concerning public jails; and a bill to prevent the practice of surveying lands, manifestly off and at a distance from their original locations, were severally read the second time, and ordered to be engrossed and read a third time.

The senate received a message in writing from the Lieutenant Governor by Mr. Waggoner, containing a nomination, viz.

Gentlemen of the Senate,

Whereas the county court of Logan county at their November term last, did recommend two proper persons, one of whom to fill the office of Sheriff for the said county, for the next constitutional term; the first of whom named in the said recommendation was commissioned and refused to accept the appointment; the other waved for the present his constitutional right to the office. I therefore nominate to you for your advice and consent, Young Ewing of Logan county, to fill the vacancy aforesaid.

GABRIEL SLAUGHTER.

January 25th, 1817.

Which being read,

Resolved, That the senate advise and consent to the said nomination, and that messrs Simrall, D. Garrard and Sharp, acquaint the Lieutenant Governor therewith.

A bill from the house of representatives, entitled an act for the benefit of Mm. Marrs, was read the third time and amended at the clerk's table

Resolved, That the said bill do pass as amended, and that the title be amended to read an act for the benefit of William Marrs and Thomas Philips.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

Mr. Hardin moved an adjournment at 4 o'clock, post maridian; and the question being taken it was resolved in the negative--Yeas 10—Nays 13.

The yeas and nays being required by messrs. Hardin and Perrin, were as follows, viz:

Those who voted in the affirmative are, messrs. Chambers, D. Garrard, Hardin, Perrin, Sebree, Simrall, R. Taylor, H. Taylor, Waide and Wilson.

Those who voted in the negative are, mr. Speaker, and messrs. Churchill, Ewing, Hillyer, Jones, Lancaster, Owens, Sharp, South, Smith, Worthington, Wicliff and Yancey.

And so the said motion was rejected.

A bill from the house of representatives, entitled an act to amend the act for the benefit of actual settlers, also to amend an act appropriating the vacant land of this commonwealth, was read the third time.

Mr. Simrall moved to strike out the first section of the bill; and messrs. Owens and Lancaster gave notice, that they would call for the yeas and nays on the question.

And then the senate adjourned.

MONDAY, JANUARY 27, 1817.

The senate assembled.

Mr. Chambers from the joint committee of enrollments reported that the committee had examined sundry enrolled bills of the following titles, and found the same truly enrolled, to-wit:

An act for the benefit of the sheriff of Caldwell county.—An act authorizing the trustees of the town of Maysville to sell their public ground. An act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county.—An act for the benefit of the securities of William Johnson, late sheriff of Shelby county. An act for the relief Joshua Cates. An act to legalize certain proceedings in the Warren Seminary. An act for the benefit of Benjamin Fisher. An act for an election precinct in the county of Livingston. An act for the relief of John M'Ferrin, sheriff of Barren county. An act further to suspend law process in certain cases; an act for benefit of the heirs of Wm. Morgan, deceased; an act for the benefit of the heirs of John Jackson and James W. Brand, deceased; an act for the benefit of the heirs of John M'Afee; an act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes; an act for the benefit of Caty and Rosa Bennett; an act to provide for the collection of the revenue of Hopkins county, for the year 1815; an act for the better regulation of the town of South Frankfort; an act to prevent the circulation of individual notes; an act concerning the towns of Versailles and Glasgow; an act for the benefit of the widow and heirs of Abraham Rainey.

Mr. Sharp from the committee to whom was referred the bill from the house of representatives entitled, an act for a change of venue in the case of Armistead Churchill, reported the same with amendments, which were received, twice severally read and concurred in.

The question was taken on the passage of the bill as amended, and it was resolved in the affirmative—Yeas 17—Nays 9.

The yeas and nays being required by messrs. D. Garrard and Lancaster, were as follows, to-wit:

Those who voted in the affirmative, are mr. Speaker, and messrs. Churchill, Ewing, Griffin, Hillyer, Hardin, Lancaster, Owens, Perrin, Sebree, Sharp, Smith, Worthington, Wickliff, Waide, Welch and Wilson.

Those who voted in the negative, are messrs. Bowman,

Chambers, D. Garrard, Jones, South, Simrall, R. Taylor, H. Taylor and Yancey.

Resolved, That the said bill do pass as amended, and that mr. Owens inform the house of representatives thereof, and request their concurrence in the said amendments.

A message from the house of representatives by mr. Todd, their secretary:

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate to the resolutions in relation to the Steam Boat Enterprize. They disagree to the amendments offered by the senate to the bills of the following titles, to-wit: An act relative to the stream of Nolin, in Hardin county; and an act relative to the Register's office. They concur in the amendments offered by the senate to the bills of the following titles, to-wit: An act to prevent the circulation of private notes in this commonwealth. An act authorizing the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville academy. An act authorizing the trustees of the town of Falmouth to sell part of the public ground. An act for the regulation of the town of Scottville and for other purposes.—An act further to regulate the Greenville Seminary, with amendments to those of the latter. They have passed bills from the senate of the following titles, to-wit: An act to vest certain powers in the county court of Breckenridge, in relation to certain seminary lands. An act to establish and regulate the town of Rossborough, in Daviess county. An act further to regulate the Robinson Academy, in Adair county. An act for the relief of the widow and heirs of William Harel, John Stephens and William Harris. An act authorizing a lottery for opening a road from Owensville, in Bath county, to Prestonsburg, in Floyd county, with amendments to the four latter. And they have passed a bill entitled, an act concerning the town of Burksville; in which bill and amendments they request the concurrence of the senate. And then he withdrew.

The said amendments, except those offered to the second bill, were taken up, severally read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

On motion,

Resolved, That the senate recede from their amendment to the bill entitled an act concerning the Register's office.

Ordered, That the clerk acquaint the house of representatives therewith.

A message from the house of representatives by mr. Clarke:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to regulate the town of Falmouth, and for other purposes; in which they request the concurrence of the senate. And then he withdrew.

The bill was read the first time and the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

The following bills were presented from the committees respectively appointed, to-wit: By mr. H. Taylor—a bill concerning certain powers of attorney and conveyances, and admitting them and copies thereof, to be read in evidence in this commonwealth. By mr. Churchill—a bill to establish a Hospital in the town of Louisville; which being received, were severally read the first time; and the rule being dispensed with, were read a second time and ordered to be engrossed and read a third time.

A message from the house of representatives by mr. Reeves:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to provide for a sale of part of the public ground in the town of Hopkinsville, and for other purposes; in which they request the concurrence of the senate. And then he withdrew.

On the motion of mr. Owens, leave was given to bring in a bill further to regulate the general court; and messrs. Owens, Lancaster and Sharp, were appointed a committee to prepare and bring in the same.

The nomination of William Wakefield as major-general of the fourth division, was taken up.

Resolved, That the senate advise and consent to the said nomination; and that messrs Wickliff, Chambers, and Hardin, acquaint the lieutenant governor therewith.

The senate received official information from the lieutenant governor by mr. Secretary Pope, that he did on this day, approve and sign enrolled bills which originated in the senate of the following titles, to-wit:

An act concerning the town of Louisville; an act to compel circuit judges to reside within the bounds of their circuits; an act to incorporate the Henderson Library company.

Ordered, That the clerk inform the house of representatives thereof.

On the motion of mr. Chambers,

Ordered, That mr. Parks have leave of absence from the service of the senate until Thursday next.

An engrossed bill concerning public jails was read the third time and ordered to be laid on the table.

The bill from the house of representatives entitled an act to amend the act for the benefit of actual settlers, also to amend the act appropriating the vacant land in this commonwealth, was taken up, and the proposition for striking out the first section thereof, withdrawn.

The question was then taken on the passage of the bill and it was resolved in the affirmative—Yeas 22—Nays 5.

The yeas and nays being required by messrs. Lancaster and Yancey, were as follows, to-wit:

Those who voted in the affirmative are, mr. speaker, and messrs. Bowmar, Churchill, Chambers, Ewing, Griffin, Garrard, Hillyer, Mason, Owens, South, Sharp, Simrall, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Wickliff, Welch, Wilson and Yancey.

Those who voted in the negative are, messrs. Jones, Lancaster, Perrin, Sebree and Waide.

Resolved, That the said bill do pass, and that mr. Ewing inform the house of representatives thereof.

A message from the house of representatives by mr. Todd:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to amend an act entitled an act regulating certain surveys in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

An engrossed bill for the benefit of the heirs of Edmund Eggleston, junior, and Pumphrett Waller, deceased, was read the third time.

Resolved, That the said bill do pass, and that the title be an act for the benefit of the heirs of Edmund Eggleston, junior, and Pumphrett Waller, deceased.

Ordered, That mr. Lancaster do carry the said bill to the house of representatives, and request their concurrence.

Bills from the house of representatives of the following titles, to-wit: 1, an act for the relief of Sally W. Boler; 2, an act authorizing repairs to be made to the public buildings in the occupancy of the governor; 3, an act to amend and explain an act entitled an act to amend the act to ascertain the boundaries of and for processioning lands; 4, an act for the relief of Isaac Harel; 5, an act for the benefit of William Wright; 6, an act for the benefit of Marlbro, a person of color; 7, an act for the relief Isaac Greathouse; 8, an act to

legalize the proceedings of the Estill county courts, and for other purposes; were severally read the first time.

The second was ordered to be read a second time, and the rule was dispensed with, and the residue were severally read the second and third times.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

A bill altering the time of holding certain courts and changing certain judicial districts; and a bill to provide for the payment of certain officers, who attended the court of enquiry called to examine charges exhibited against lieutenant col. Philip Barbour; were severally read the second time.

The former was committed to messrs. Bowmar, Simrall, Welch, H. Taylor, Churchill, Sebree and Owens. And the latter was ordered to be engrossed and read a third time.

On the motion of messrs. Churchill, D. Garrard and Owens, the bills from the house of representatives of the following titles, to-wit: An act to encourage the importation of goods by the port of New-Orleans; 2, an act for the benefit of Simon Holt; 3, an engrossed bill to increase the active capital of the bank of Kentucky; were respectively taken from the consideration of the committee of the whole house; and together with a bill from the house of representatives entitled an act for the relief of certain sheriffs of this commonwealth, with an amendment thereto, were severally taken up; the first was read a third time; the blanks in the third were filled up.

Resolved, That the said bills, together with the fourth as amended, do pass; that the title of the third be an act to increase the active capital of the Bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscription on the part of the state:

Ordered, That the clerk inform the house of representatives thereof and request their concurrence in the said bill and amendment:

On motion,

The second bill was laid on the table until the tenth day of March next.

Messrs. Churchill, Wickliff and Owens were appointed to inform the lieutenant governor of the confirmation of such military officers as have passed before the senate.

A message frsm the house of representatives by mr. White:

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate to the bill entitled an act for the benefit

of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased, with amendments, in which they request the concurrence of the senate. And then he withdrew.

The said amendments were then severally twice read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

And then the senate adjourned.

TUESDAY, January 28, 1817.

The senate assembled.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. speaker signed the said bills, being the same reported by mr. Chambers yesterday, and they were delivered to the joint committee of enrollments to be presented to the lieutenant governor for his approbation.

Mr. speaker laid before the senate a communication from the officers of the 42d regiment, which was read and laid on the table.

Mr. Owens from the committee appointed, presented a bill further to regulate the general court; which was received and read the first time; and

The rule being dispensed with, it was read a second time and laid on the table.

The engrossed bill concerning public jails was taken up, amended and ordered to be re-engrossed and read again.

A message from the house of representatives by mr. Reeves:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to prevent the fraudulent practice of surveying or patenting land, manifestly off and at a distance from entries or locations originally made, unless legally removed as the law on that subject directs; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Shepard:

Mr. Speaker,

The house of representatives have passed a bill entitled an

act for the benefit of the heirs of Richard M. Gano, in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Helm:

Mr. Speaker,

The house of representatives have passed a bill entitled an act further to regulate the fees of sheriffs and constables, in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled an act for the benefit of the Harrison Academy, with an amendment; in which they request the concurrence of the senate. And then he withdrew.

The resolution inviting a branch of the United States' bank to Louisville, was taken up;

Mr. D. Garrard moved the following in lieu thereof, to-wit:

Whereas it is represented to this present general assembly, that the president and directors of the United States' bank, (established at the city of Philadelphia) intend to locate a branch of said bank in this state: Therefore,

Resolved, By the general assembly of the commonwealth of Kentucky, that no power has a right to establish a bank or branches in this state, without the consent of its legislature.

Resolved, That the executive be, and he is hereby requested to transmit a copy of the foregoing resolution to the president and directors of the United States' bank at the city of Philadelphia.

Which being received and read,

Mr. J. Garrard moved to lay the same on the table until the tenth of March next; and

The question being taken thereon, it was resolved in the affirmative—Yeas 19—Nays 5.

The yeas and nays being required by messrs. Wickliff and D. Garrard, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Churchill, Ewing, Griffin, J. Garrard, Hillyer, Jones, Lancaster, Mason, Owens, Perrin, Sharp, South, Simrall, Smith, Thompson, H. Taylor, Worthington, Waide and Yancey.

Those who voted in the negative are, messrs. D. Garrard Hardin, Wickliff, Wood and Welch.

Mr. H. Taylor then moved that the original resolutions be laid on the table until the tenth day of March next.

And the question being taken thereon, it was resolved in the negative—Yeas 8—Nays 20.

The yeas and nays being required by messrs. H. Taylor and Mason, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Chambers, J. Garrard, Perrin, South, Thompson, H. Taylor and Welch.

Those who voted in the negative are, messrs, Chapline, Churchill, Ewing, Griffin, D. Garrard, Hillyer, Hardin, Jones, Lancaster, Mason, Sebree, Sharp, Simrall, R. Taylor, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

The resolutions were then amended on the motion of mr. Simrall, by requesting that a branch of the said bank be also sent to Lexington; and

The question was taken on agreeing to the resolutions as amended, and it was resolved in the affirmative—Yeas 17—Nays 12.

The yeas and nays being required by messrs. Welch and D. Garrard, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Chapline, Churchill, Hillyer, Hardin, Lancaster, Mason, Owens, Sebree, Sharp, Simrall, R. Taylor, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

Those who voted in the negative are mr. Speaker, and messrs. Chambers, Ewing, Griffin, J. Garrard, D. Garrard, Jones, Perrin, South, Thompson, H. Taylor and Welch.

Ordered, That mr. Churchill inform the house of representatives thereof and request their concurrence in the said resolutions.

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, containing a request to withdraw certain nominations of military officers made on the 18th of January, which was read as follows, to-wit:

Gentlemen of the Senate.

Since the nominations of John Cloyd as colonel of the 19th regiment, David Snodgrass, colonel of the 66th regiment James Poage, major of the 70th regiment, Putnam Ewing colonel of the 34th regiment, Thomas Morris, lieutenant colonel of the 47th regiment, and Jeddiah Hibbard, lieutenant colonel of the 68th regiment, it has been reported to me, that some of those officers have removed out of the bounds of their regiments, and others resigned; I therefore beg leave to withdraw the said nominations in order to nominate others in their places.

GABRIEL SLAUGHTER.

January 28th, 1817.

Resolved, That the said nominations be withdrawn accordingly.

The consideration of the residue of the said nominations of the 18th of January, was then resumed.

Resolved, That the senate advise and consent thereto, except to those of

Hugh Anderson, colonel of the 9th regiment; Smith Bradshaw, major in the same regiment; Jechonias Singleton, colonel of the 11th regiment; John Christopher, lieutenant colonel of the same regiment; Joseph Logan, lieutenant colonel of the 15th regiment; Joseph Bell, colonel of the 38th regiment; Isaac Forbes, lieutenant colonel of the same regiment; Benjamin Coons, major of the same regiment; James Baird, lieutenant colonel of the 9th regiment; John H. Morris, colonel of the 51st regiment; Edmund Vickins, colonel of the 57th regiment; Peyton Alfred, lieutenant colonel of the same regiment; Henry Dickson, colonel of the 61st regiment; Thomas Stirrett, lieutenant colonel of the same regiment; John Daviess, colonel of the 73d regiment; William Glenn, lieutenant colonel of the same regiment; Abner Wiseman, lieut. col. of the 78th regiment; William Smith, colonel of the 79th regiment; Absalom Rentfroe, lieutenant colonel of the same regiment; Elijah Combs, lieutenant colonel of the 80th regiment; James Campbell, colonel of the 81st regiment; Samuel Scott, lieutenant colonel of the same regiment; Thomas Cook, major in the same regiment; William Byrdsong, colonel of the 84th regiment; Samuel Glenn, lieutenant colonel of the same regiment; Griffin Long, major of the same regiment, and Thomas Wilson, lieutenant colonel of the 87th regiment; which were laid upon the table:

And those of Enoch Bryan, lieutenant colonel of the 8th regiment; Lewis Collins, lieutenant colonel of the 10th regiment; Stephen Bayless, colonel of the 15th regiment; Samuel Niron, lieutenant colonel of the 21th regiment; William Chaffin, lieutenant colonel of the 28th regiment; James Carter, lieutenant colonel of the 45th regiment; John Bennett, colonel of the 49th regiment; John G. M'Dowell, lieutenant colonel of the 69th regiment; Joseph Centrell, colonel of the 71st regiment; John Hadose, colonel of the 80th regiment; and Owen Willis, colonel of the 87th regiment; which the senate do not advise and consent to.

Mr. J. Garrard, Simrall, Yancey and Chambers, were appointed to acquaint the lieutenant governor with the rejections; and messrs. Simrall, Ewing and Welch, with the confirmations.

Mr. Owens from the committee appointed, presented a bill for the benefit of William Rhea, which was received and read the first time and ordered to be read a second time.

Mr. Speaker laid before the senate a letter from John P. Thomas, Esq. treasurer of this commonwealth, which was read and laid on the table.

Treasury Office, 27th January, 1817.

SIR,

Permit me to represent to your honorable house through you, that last year I unfortunately received $ 150 in counterfeit notes, which I lose, unless your honorable house will be pleased to appropriate that sum for me. I have the notes to shew to any gentleman desirous to see them.

With respect, I am sir,
Your obedient servant.
JOHN P. THOMAS.

The senate received official information from the lieutenant governor by mr. Secretary Pope, that he did on this day, approve and sign enrolled bills which originated in the senate of the following titles, to-wit:

An act for the benefit of the securities of William Johnson, late sheriff of Shelby county; an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county; an act to establish an election precinct in the county of Livingston; an act for the benefit of Benjamin Fisher; an act for the benefit of Joshua Cates; an act to legalize certain proceedings of the Warren Seminary; an act for the benefit of the sheriff of Caldwell county; an act further to suspend law process in certain cases; an act to authorize the trustees in the town of Maysville to sell their public ground; an act for the relief John M'Ferrin, sheriff of Barren county.

Ordered, That the clerk inform the house of representatives thereof.

The senate received another message in writing from the lieutenant governor by mr. Secretary Pope, containing additional military nominations, which were read as follows, to-wit:

Gentlemen of the Senate,

I nominate for your advice and consent Dudley Farris, colonel of the 19th regiment, in place of John Cloyd, resigned.

Schuyler Barrett, lieutenant colonel of the same regiment, in place of Dudley Farris, if promoted.

Samuel Estill, major of the same regiment, in place of Schuyler Barrett, if promoted.

George Pearcy, lieutenant colonel of the 18th regiment, to take rank from the 3d February, 1816.

Samuel Harbison, major of the same regiment, in place of Benjamin Eggleston, resigned.

William Ewing, colonel of the 66th regiment, in place of David Snodgrass, resigned.

John Funkhouse, lieutenant colonel of the same regiment, in place of the said William Ewing, if promoted.

Robert Davis major of the same regiment, in place of John Funkhouse, if promoted.

John Githers, major of the 70th regiment, in place of James Poage, resigned.

Daniel P. Mosely, colonel of the 34th regiment, in place of Putnam Ewing, resigned.

Samuel Goodwin, lieutenant colonel of the same regiment, in place of Daniel P. Mosely, if promoted.

Thomas Jameson, major of the same regiment.

James Quiett, lieutenant colonel of the 47th regiment, in place of Thomas Morris, removed.

Henry Ellis, major of the same regiment, in place of James Quiett, if promoted.

Andrew Bradley, lieutenant colonel of the 68th regiment, in place of Jeddiah Hibbard, resigned, to take rank from the 20th January, 1816.

Pleasant Parker, major of the same regiment, in place of A. Bradley, if promoted.

Zeba Holt, colonel of the 51st regiment, in place of John H. Morris, promoted.

John Tandy, lieutenant colonel of the same regiment, in place of Zeba Holt, if promoted, to take rank from the 19th of April, 1816.

Jesse Lindsey, major of the same regiment, in place of John Tandy, if promoted.

William Buford, major of the 11th regiment, in place of Joel Henry, resigned.

Jonathan Simpson, brigadier general of the 1st brigade, in place of William Wakefield, promoted.

Moses T. Hoagland, Brigade Quarter-Master of the 21st Brigade.

It has been represented to me, that the nomination of Lawrence Frazier as major of the 39th regiment, should be Law-

rence Brazier, I therefore request that the said nomination be changed accordingly.

GABRIEL SLAUGHTER.

January 28th, 1816.

Resolved, That the senate advise and consent to the said nominations, except those of

Dudley Farris, colonel of the 19th regiment; Schuyler Barrett, lieutenant colonel of the same; Samuel Estill, major of the same; John Githers, major in the 70th regiment; Jesse Lindsey, major of the 19th, and William Buford, major of the 11th, which were laid on the table; and that of John Tandy, lieutenant colonel of the 51st regiment, which the senate did not advise and consent to.

Ordered, That the same committee acquaint the lieutenant governor therewith.

And then the senate adjourned.

WEDNESDAY, JANUARY 29, 1817.

The senate assembled.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The house of representatives have passed a bill entitled an act authorizing the county court of Jessamine to extend the limits and open the streets of Nicholasville; in which they request the concurrence of the senate. And then he withdrew.

The bill was read the first time, and the rule was dispensed with, and it was read the second and third times.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Mr. Owens presented a petition from Phebe Handley, praying that she may be permitted to sell a tract of land, of which her husband died seized; which being received was read and referred to messrs. Owens, Wickliff and Jones, who have liberty to report by bill or otherwise; who by mr. Owens, reported a bill, which was received and read the first time, and the rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time.

On the motion of mr. Yancey,

Ordered, That a message be sent to the house of representatives requesting permission to withdraw the resolution adopted by that house in relation to a machine for breaking hemp and flax, and which was disagreed to by the senate; and that mr. Yancey do carry the said message, which being

accordingly done, the said resolution was taken up, re-considered and concurred in.

Messrs. J. Garrard, D. Garrard and Welch, were appointed on the part of the senate in pursuance thereof.

Ordered, That mr. Yancey acquaint the house of representatives therewith.

The consideration of nominations laid on the table yesterday, was again resumed.

Resolved, That the senate advise and consent to those of William Byrdsong, colonel of the 84th regiment; Samuel Glenn, lieutenant colonel of the same regiment; Griffin Long, major of the same regiment; Abner Wiseman, lieutenant colonel of the 78th regiment; William Smith, colonel of the 79th regiment; Absalom Rentfroe, lieutenant colonel of the same regiment; Edmund Vickins, colonel of the 57th regiment; and Peyton Alfred, lieutenant colonel of the same regiment.

On the motion of mr. J. Garrard,

The nomination of Austin Smith, major of the 26th regiment, was committed to messrs. J. Garrard, Faulkner, Simrall, Perrin, Thompson, Jones and Wickliff.

Resolved, That the senate do not advise and consent to the nomination of Dudley Farris, as colonel of the 19th regiment.

Messrs. Jones, Thompson and Wood, were appointed a committee to acquaint the lieutenant governor therewith.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives concur in the resolution from the senate in relation to locating a branch of the bank of the United States at Lexington and Louisville, with amendments; in which they request the concurrence of the senate. And then he withdrew.

The said amendments were then twice read and agreed to.

Ordered, That mr. Churchill inform the house of representatives thereof.

On the motion of mr. Owens,

The committee of the whole house on the state of the commonwealth was discharged from any further consideration on the bill to regulate the present judiciary system, and reduce the salary of the circuit judges; which being done accordingly, the bill was taken up and the sum of $ 800 contained therein, was striken out.

Mr. Sharp then moved to re-commit the bill to a select committee; and

The question being taken on agreeing thereto, it was resolved in the negative—Yeas 12—Nays 19.

The yeas and nays being required by messrs. Owens and Hardin, were as follows, to-wit:

Those who voted in the affirmative are mr. Speaker, and messrs. Chambers, Hillyer, Jones, Mason, Sebree, Perrin, Sharp, Simrall, R. Taylor, H. Taylor and Welch.

Those who voted in the negative are, messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Hardin, Owens, South, Smith, Thompson, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

And so the said motion was rejected.

Mr. J. Garrard then moved to fill up the blank with twelve hundred dollars; and the question being taken thereon, it was resolved in the negative—Yeas 12—Nays 18.

The yeas and nays being required by messrs. Owens and Garrard, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Chambers, J. Garrard, D. Garrard, Hillyer, Perrin, Sebree, Simrall, R. Taylor, H. Taylor, Wickliff and Welch.

Those who voted in the negative are, messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, Hardin, Mason, Owens, Sharp, South, Smith, Thompson, Worthington, Wood, Waide, Wilson and Yancey.

And so the said proposition was rejected.

Mr. Thompson then moved to fill the blank with one thousand dollars; and the question being taken, it was resolved in the negative—Yeas 11—Nays 19.

The yeas and nays being required by messrs. Wilson and Sharp, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Faulkner, Hardin, Sebree, Simrall, Thompson, R. Taylor, H. Taylor, Wickliff, Waide and Welch.

Those who voted in the negative are, mr. Speaker, and messrs. Chapline, Churchill, Chambers, Ewing, Griffin, J. Garrard, D. Garrard, Hillyer, Mason, Owens, Perrin, Sharp, South, Smith, Worthington, Wood, Wilson and Yancey.

And so the proposition was rejected.

Mr. Wickliff then proposed to fill the blank with the sum of eight hundred and fifty dollars; and the question being taken, it was resolved in the negative—Yeas 14—Nays 16.

The yeas and nays being required by messrs. Sharp and Wickliff, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, Hardin, Ow-

ens, Thompson, Worthington, Wickliff, Wood, Waide and Welch.

Those who voted in the negative are, mr. Speaker, and messrs. Chambers, J. Garrard, D. Garrard, Hillyer, Mason, Perrin, Sebree, Sharp, South, Simrall, Smith, R. Taylor, H. Taylor, Wilson and Yancey.

And so the proposition was rejected.

Mr. Wood then proposed to fill the blank with the sum of eight hundred and twenty dollars; and the question being taken, it was resolved in the negative—Yeas 15—Nays 15.

The yeas and nays being required by messrs. Wood and Owens, were as follows, to-wit:

Those who voted in the affirmative are messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, Hardin, Owens, Thompson, Worthington, Wickliff, Wood, Waide, Welch and Wilson.

Those who voted in the negative are, mr. Speaker, and messrs. Chambers, J. Garrard, D. Garrard, Hillyer, Mason, Perrin, Sebree, Sharp, South, Simrall, Smith, R. Taylor, H. Taylor and Yancey.

And so according to the rule, this proposition was rejected.

Mr. Sharp then moved to fill the blank with the sum of seven hundred and fifty dollars, and it was resolved in the negative—Yeas 15—Nays 15.

The yeas and nays being required by messrs. Wilson and Sharp, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, Owens, South, Smith, Worthington, Wickliff, Wood, Welch, Wilson and Yancey.

Those who voted in the negative are, mr. Speaker, and messrs. Chambers, J. Garrard, D. Garrard, Hillyer, Hardin, Mason, Perrin, Sebree, Sharp, Simrall, Thompson, R. Taylor, H. Taylor and Waide.

And so according to the rule, this motion was also rejected.

On the motion of mr. Simrall, the subject was laid on the table until to-morrow.

The senate took up the amendment offered to the bill from the house of representatives entitled an act relative to the stream of Nolin, in Hardin county.

Resolved, That the senate recede from the said amendment.

The amendment proposed by the house of representatives to the bill from the senate entitled an act for the benefit of the Harrison Academy, was taken up, twice read and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

Engrossed bills, to-wit: A bill to establish a hospital in the town of Louisville; a bill concerning certain powers of attorney and conveyances, admitting them and copies thereof to be read in evidence in this commonwealth; a bill concerning public jails; a bill to prevent the practice of surveying lands manifestly off and at a distance from their original locations; and a bill to provide for the payment of certain officers who attended the court of enquiry called to examine charges exhibited against lieutenant colonel Philip Barbour, were severally read the third time.

Resolved, That the three former bills do pass, and that the titles be respectively, "an act to establish a hospital in the town of Louisville; an act concerning certain powers of attorney and conveyances, admitting them and copies thereof to be read in evidence in this commonwealth; an act concerning public jails; an act to prevent the practice of surveying lands manifestly off and at a distance from their original locations."

Ordered, That the clerk do carry the said bills to the house of representatives and request their concurrence.

The question was taken on the passage of the latter bill, and it was resolved in the negative.

And so the said bill was rejected.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate to the bill entitled an act providing for a change of venue in the case of Armistead Churchill, with amendments proposed to the first, second and fourth; in which they request the concurrence of the senate. And then he withdrew.

The said amendments were then considered and agreed to.

Ordered, That mr. Owens acquaint the house of representatives therewith.

A message from the house of representatives by mr. Ewing:

Mr. Speaker,

The house of representatives concur in the amendments proposed by the senate to the bill entitled an act for the relief of certain sheriffs in this commonwealth; and they disagree to the amendment offered to the bill entitled an act for the benefit of William Marrs. And then he withdrew.

The said amendment was then again considered.

Resolved, That the senate insist on the same, and that the clerk inform the house of representatives thereof.

Mr. Chambers form the joint committee of enrollments, reported that the committee had examined sundry enrolled bills and found the same truly enrolled, to-wit:

An act for the benefit of Henry Martin; an act authorizing the trustees of the town of Falmouth to sell part of the public ground; an act authorizing the county court of Fayette to levy and collect a tax not exceeding $ 3000 for the benefit of the Fayette hospital; an act to amend the act for the benefit of actual settlers—also to amend an act appropriating the vacant land in this commonwealth; an act authorizing the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville Academy; an act for the benefit of Marlbro, a person of color; an act for the benefit of William Wright; an act authorizing Rudolph Neat, to buld a mill on Green river. A resolution in relation to the law increasing the compeasation to members of congress; resolutions relative to the free navigation of the river Mississippi.

Bills from the house of representatives of the following titles, to-wit:

An act to amend an act regulating certain surveys in this commonwealth; 2, an act to provide for a sale of part of the public ground in the town of Hopkinsville; 3, an act for the benefit of the heirs of Richard M. Gano; 4, an act further to regulate the fees of sheriffs and constables of this commonwealth; 5, an act authorizing repairs to be made to the public buildings in the occupancy of the governor; and 6, an act concerning the town of Burksville, were severally read.

The four first the first time—the two latter the second time.

The first and fourth were ordered to be read a second time.

The rule was dispensed with and the second and third were read the second and third times.

Resolved, That they pass, and that the clerk inform the house of representatives thereof.

The fifth was ordered to be read a third time, and the rule being dispensed with, the sixth was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A bill for the benefit of William Rhea, was read the second time; and the question being taken on engrossing the same, it was resolved in the negative. And so the said bill was rejected.

The amendments offered by the house of representatives to the bill entitled an act to establish and regulate the town of

Rossborough in Daviess county, was taken up and considered.

Resolved, That the the senate disagree thereto.

Ordered, That the clerk inform the house of representatives thereof.

On motion,

The rule was dispensed with, and an engrossed bill for the benefit of Phebe Handley, was read the third time, and the blank therein filled up.

Resolved, That the said bill do pass, and that the title be an act for the benefit of the widow and heirs of John Handley, deceased.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

Mr. J. Garrard from the committee on the nomination of Austin Smith, made the following report, to-wit:

The committee to whom was referred the nomination of Austin Smith, as major of the 26th regiment, have had the same under consideration, and come to the following report thereupon:

Resolved, That the nomination of Austin Smith as major of the 26th regiment ought to be rejected.

Which being received and twice read, was concurred in.

Resolved, That the senate do not advise and consent to the said nomination of the said Austin Smith as major in the 26th regiment; and that messrs. J. Garrard, Welch and Chambers, acquaint the lieutenant governor therewith.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, which was read as follows, to-wit:

Gentlemen of the Senate,

Having received information that John Githers, who was nominated as major of the 70th regiment, and Isaac Forbus, as lieutenant colonel of the 38th regiment, are not entitled to such rank from the seniority of their commissions, I therefore beg leave to withdraw the said nominations, and in their places do nominate for your advice and consent, Benjamin Coons, lieutenant colonel of the 38th regiment; Isaac Forbus, major of the same regiment, in place of the said Coons; Nathaniel Morton, major of the 70th regiment, in place of James Poage, resigned.

GABRIEL SLAUGHTER.

January 29th, 1817.

The nominations mentioned were withdrawn accordingly.

Resolved, That the senate advise and consent to the nominations contained in the said message, together with that of

Joseph Bell, colonel of the 38th regiment, made on the 18th instant.

The consideration of nominations of the 18th, laid on the table yesterday, was again resumed.

Resolved, That the senate advise and consent to those of John Daviess, colonel of the 73d regiment; William Glenn, lieutenant colonel of the same; James Campbell, colonel of the 81st; Samuel Scott, lieutenant colonel of the same, and Thomas Cook, major of the same regiment.

Messrs. Hillyer, Lancaster and Ewing, were directed to acquaint the lieutenant governor therewith.

The amendments of the house of representatives to the bill entitled an act to regulate the town of New Castle, in Henry county, were twice severally read and agreed to.

Ordered, That the clerk inform the house of representatives thereof.

And then the senate adjourned.

THURSDAY, January 30, 1817.

The senate assembled.

Mr. Chambers from the joint committee of enrollments reported that the committee had examined sundry enrolled bills and found the same truly enrolled, to-wit:

An act for the relief of certain sheriffs of this commonwealth; an act for the relief of Sally W. Boler; an act for the regulation of the town of Scottville, and for other purposes; an act for the relief Isaac Greathouse; an act to authorize Daniel Weisiger to convey certain lots in town of Frankfort.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Speaker then signed the said bills, being the same reported by mr. Chambers yesterday and to-day, and they were delivered to the joint committee of enrollments, to be presented to the lieutenant governor for his approbation.

Mr. Bartlett from the committee to whom was referred the bill from the house of representatives entitled an act altering the mode of summoning petit jurors in this commonwealth, reported the same with an amendment, which was received and read.

On motion,

The bill and amendments were re-committed to the same committee.

Leave was given to bring in the following bills, to-wit:

On the motion of mr. J. Garrard—a bill for the benefit of Hannah Gorham. On the motion of mr. Owens—a bill for the benefit of William Jackman; and

Messrs. J. Garrard, Lancaster and Smith, were appointed to prepare and bring in the former; and

Messrs. Owens, Yancey and Wood, the latter.

The said bills were presented and severally read the first time, and the rule being dispensed with, they were read the second time and ordered to be engrossed and read the third time.

The nominations of the eighteenth were again resumed.

Resolved, That the senate do not advise and consent to the nomination of Jechonias Singleton, as colonel of the 11th regiment, and that they do advise and consent to those of Hugh A. Anderson, colonel of the 9th regiment; Mason Singleton, lieutenant colonel of the same regiment; and Smith Bradshaw, major of the same.

Ordered, That messrs. Bowmar, Simrall and Chambers, acquaint the lieutenant governor therewith.

The resolution for a final adjournment of the legislature was taken up:

Mr. Owens proposed to postpone the subject until to-morrow; and the question being taken thereon, it was resolved in the affirmative—Yeas 16—Nays 15.

The yeas and nays being required by messrs. Churchill and Smith, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Chambers, J. Garrard, Hillyer, Mason, Owens, Perrin, Sebree, South, Simrall, Thompson, R. Taylor, H. Taylor, Wood and Yancey.

Those who voted in the negative are, messrs. Chapline, Churchill, Ewing, Faulkner, Griffin, D. Garrard, Hardin, Jones, Lancaster, Sharp, Smith, Worthington, Wickliff, Waide and Wilson.

Bills from the house of representatives of the following titles, to-wit: An act authorizing repairs to be made to the public buildings in the occupancy of the governor; 2, an act to amend an act entitled an act regulating certain surveys in this commonwealth; 3, an act further to regulate the fees of sheriffs and constables of this commonwealth, were severally read.

The former the third time, and amended at the clerk's table. The two latter the second time. The second was ordered to be read a third time; and the third was committed to messrs. Simrall, Lancaster, D. Garrard, Bowmar, Yancey and Owens.

The bill to regulate the present judiciary system, and reduce the salary of the circuit judges, was taken up.

Mr. J. Garrard moved to lay the bill on the table until the tenth of March next, and

The question being taken thereon, it was resolved in the negative—Yeas 14—Nays 18.

The yeas and nays being required by messrs. Churchill and Owens were as follows, to-wit:

Those who voted in the affirmative are mr. Speaker, and messrs. Bowmar, Chambers, J. Garrard, D. Garrard, Hillyer, Mason, Perrin, Sebree, Simrall, Thompson, R. Taylor, H. Taylor and Welch.

Those who voted in the negative are, messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, Hardin, Jones, Lancaster, Owens, Sharp, South, Smith, Worthington, Wood, Waide, Wilson and Yancey.

And so the said motion was rejected.

Mr. Churchill moved to fill the blank with the sum of seven hundred and forty-nine dollars ninety-nine cents; and

The question being taken thereon, it was resolved in the negative—Yeas 12—Nays 20.

The yeas and nays being required by messrs. Churchill and Owens, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Chapline, Churchill, Ewing, Faulkner, Griffin, Hardin, Owens, South, Smith, Worthington, Wood and Wilson.

Those who voted in the negative are, mr. Speaker, and messrs. Bartlett, Bowmar, Chambers, J. Garrard, D. Garrard, Hillyer, Jones, Lancaster, Mason, Perrin, Sebree, Sharp, Simrall, Thompson, R. Taylor, H. Taylor, Waide, Welch and Yancey.

And so the said motion was rejected.

Mr. Welch then proposed to lay the bill on the table until the first day of May next:

And the question being taken thereon, it was resolved in the affirmative—Yeas 19—Nays 13.

The yeas and nays being required by messrs. Griffin and Hardin, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bowmar, Chambers, J. Garrard, D. Garrard, Hill-

yer, Jones, Lancaster, Mason, Perrin, Sebree, Simrall, Smith, Thompson, R. Taylor, H. Taylor, Worthington, Waide, and Welch.

Those who voted in the negative are, messrs. Bartlett, Chapline, Churchill, Ewing, Faulkner, Griffin, Hardin, Owens, Sharp, South, Wood, Wilson and Yancey.

A message from the house of representatives by mr. Ewing:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased; in which they request the concurrence of the senate. And then he withdrew.

Mr. Faulkner from the joint committee of enrollments reported that the committee had examined sundry enrolled bills and resolutions, and found the same truly enrolled, to-wit:

A resolution requesting a branch bank to be located at Lexington and Louisville. An act authorizing a lottery for opening a road from Owingsville in Bath county to Prestonsburg, in Floyd county. An act to vest certain powers in the county court of Breckenridge county, in relation to certain seminary lands. An act further to regulate the Robertson Academy, in Adair county. An act for the relief of the widows and heirs of William Harel, John Stephens and William Harris.

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, which was read as follows:

Gentlemen of the Senate,

I nominate for your advice and consent Thomas Wilson, colonel of the 87th regiment, in place of Owen Willis, rejected John Christopher, colonel of the 11th regiment, in place of Jechonias Singleton, rejected. James Dudley, lieutenant colonel of the 8th regiment, in place of Enoch Bryan, rejected. James Innis, lieutenant colonel of the 10th regiment, in place of Lewis Collins, rejected. Joseph Logan, colonel of the 15th regiment, in place of Stephen Bayless, rejected. Lewis Hawkins, lieutenant colonel of the 28th regiment, in place of William Chaffin, rejected. Thompson Cranshaw, lieutenant colonel of the 45th regiment, in place of James Carter, rejected. James Baird, colonel of the 49th regiment in place of John Bennett, rejected. William Anderson, major of the 26th regiment, in place of Austin Smith, rejected. Joseph Straughan, major of the 7th regiment, to take rank from the 26th June, 1816. Simon R. Baker, lieutenant colonel of the 69th regiment, in place of John G. M'Dowell, rejected.—

Zachariah Eastin, colonel of the 71st regiment, in place of John Cantrel, rejected. Joseph Cantrel, lieutentenant colonel of the same regiment, in place of said Eastin, if promoted. Elijah Combs, colonel of the 80th regiment, in place of John Haddox, rejected. Schuyler Barnett, colonel of the 19th regiment, in place of Dudley Farris, rejected. Jesse Lindsay, lieutenant colonel of the 51st regiment, in the place of John Tandy, rejected.

GABRIEL SLAUGHTER.

January 30th, 1817.

Resolved, That the senate advise and consent to the said nominations, except that of William Anderson, which they do not advise and consent to.

Ordered, That messrs. Faulkner, J. Garrard and Mason, acquaint the lieutenant governor therewith.

Resolved, That the the senate advise and consent to the nomination of Samuel Estill, major of the 19th regiment; and the same committee are directed to acquaint the lieutenant governor therewith.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives concur in the resolution for printing the militia law of this session; and they have adopted the following resolution:

IN THE HOUSE OF REPRESENTATIVES, *January* 30, 1817.

THE late mournful event, the death of his late excellency George Madison, may have excited in the minds of some, the constitutional enquiry, whether the lieutenant governor must exercise the functions of governor during the whole gubernatorial term, or whether this legislature can provide by law for a re-election to fill the vacancy? It will be readily admitted that the right of suffrage ought to be supported by this body, and that every door to the exercise of that right should be fully opened by statutory provisions. But at the same time a greater stretch at an unlimitted exercise of that choice privilege than the constitution will justify, ought not to be made. By that charter the people in convention assembled have seized upon, secured and provided for many of their rights and privileges, and restrained the departments of government, as if too jealous to trust them to the yearly provisions of this assembly; or have counted them too sacred to be exposed to the jeopardy and hazard of momentary feelings or party zeal. It will also be admitted that where the voice of the people, expressed in that broad charter of their liberties, has not restricted and forbidden the exercise of

by their representatives. But it must at the same time be power, that power remains with them and may be exercised acknowledged, that where the constitution has in constructing the machinery of government, fixed any part of its organs, and provided the mode of appointing its officers, there we as a legislative body cannot derange its organization by substituting any thing in its place. It has said, that elections shall be held on the first Monday in August, annually: It has no where said, that they shall not be held at any other period; yet the legislature could never fix upon any other day. It has said, that senators shall be elected for four years: It no where declares that they shall not be elected for a longer or shorter period; yet a provision by law for a longer or shorter time of service to that branch of the legislature would be inoperative and void. It has said, that the legislature shall direct the mode of issuing writs of election to fill vacancies in either branch; and has not expressly restricted other modes of supplying vacancies; yet a legislature, it is presumed, could not be found hardy enough to fill a vacancy by its own vote, or executive appointment. The governor by and with the advice and consent of the senate, must appoint and commission all officers, whose appointment is not otherwise provided for, while other modes of appointment are not expressly forbidden; yet an act of assembly, cannot create a judge or commission even a justice of the peace. In like manner the governor shall be elected at the end of every four years; can we elect one in the intermediate space of time? The successor of the governor is pointed out, and even the successor of that successor; can we substitute another successor unknown to the constitution? The officer assigned to fill the place of the governor, must be elected simultaneously with him; can we create one that is not elected with him? Such a conclusion must not only be preposterous, but subversive of the instrument which we ought to support. If this body can by legislation, or the people by election, create a governor to fill fractional periods, it must be only in those cases where the constitution is silent and has furnished no remedy; such a case has not occurred; no such event has happened. Without, therefore, further reasoning on this subject, this legislature does not hesitate to declare that the present lieutenant governor now acting as governor, is the constitutional incumbent of that office, until the next revolving period of four years has elapsed, when the right of free suffrage again will recur; and they decidedly concur in the following resolution:

Resolved, By the general assembly of the commonwealth of Kentucky, That the present lieutenant governor is entitled to hold, by constitutional right, the office of governor, during the whole period of time for which his late excellency George Madison was elected, and that no provision can be made by law for holding an election to supply the vacancy.

In which they request the concurrence of the senate. And then he withdrew.

The resolution was then taken up and amended, by inserting in the preamble, the words "residue of the" and the same words in the resolution.

The question was then taken on agreeing to the resolution as amended, and it was resolved in the affirmative—Yeas 29—Nays—3.

The yeas and nays being required by messrs. Welch and J. Garrard, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Chapline, Churchill, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Hillyer, Hardin, Jones, Lancaster, Mason, Owens, Perrin, Sebree, Sharp, Simrall, Smith, Thompson, R. Taylor, Worthington, Wickliff, Wood, Waide, Welch and Wilson.

Those who voted in the negative are, messrs.. Chambers, South and Yancey.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

A message from the house of representatives by mr. M'-Millan:

Mr. Speaker,

The house of representatives have passed a bill entitled an act incorporating the Winchester Steam Mill Company, in which they request the concurrence of the senate. And then he withdrew.

And then the senate adjourned.

FRIDAY, January 31, 1817.

The senate assembled.

A message from the house of representatives by mr. Hawkins:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to incorporate the Petersburg Steam Mill Company, in

which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of the widow and heirs of John C. Johnson, deceased; in which they request the concurrence of the the senate. And then he withdrew.

A message from the house of representatives by Mr. Trigg.

Mr. Speaker.—The house of representatives have passed a bill entitled "an act for the relief of the trustees of the Jefferson Seminary and for other purposes.

A message from the house of representatives by Mr. Harrison.

Mr. Speaker.—The house of representatives have passed a bill entitled an act regulating clerks' fees in this commonwealth; in which they request the concurrence of the Senate. And then he withdrew.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act to detach the counties of Campbell and Boone from the third judicial district, and further to regulate certain judicial districts in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

The said bills were severally read the first time, and the rule being dispensed with, the three former were severally read the second and third times; the first having been amended at the clerk's table.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

The fourth was committed to messrs. Lancaster, Simrall, Bowmar, Owens, Hillyer, Welch, Sharp and J. Garrard;

And the fifth to messrs. Welch, Thompson, Bowmar, J. Garrard, Jones, Lancaster and Sebree.

Mr. Lancaster from the committee to whom was referred the bill from the house of representatives, entitled an act altering the mode of summoning petit jurors in this commonwealth, reported the same with an amendment; which was twice read and laid on the table.

Mr. Chambers from the joint committee of enrollments, reported that the committee had laid before the lieutenant governor for his approbation, the bills last signed, and that they

had examined sundry enrolled bills of the following titles, and found the same truly enrolled, to-wit:

An act for the benefit of the Harrison Academy; an act to regulate the town of New-Castle, in Henry county; an act for the benefit of George W. Morton; an act for the benefit of Thomas Rankin, senr.; an act authorizing the county court of Jessamine to extend the limits and open the streets of Nicholasville; an act concerning the town of Burksville; an act relative to the Register's office; an act further to regulate the Greenville Seminary; an act for the relief of Isaac Harel. A resolution appointing a joint committee to examine a machine for breaking hemp and flax, invented by Thomas Pullen.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Mr. Speaker then signed the said bills, being those reported to-day by mr. Chambers, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

Mr. Faulkner then moved to take up the resolution for a final adjournment of the legislature; which being done, mr. Simrall moved to amend the amendment proposed by the house of representatives, by striking out the first of February and inserting the seventh; and

The question being taken on agreeing thereto, it was resolved in the negative—Yeas 12—Nays 20.

Those who voted in the affirmative are mr. Speaker, and messrs. Bartlett, J. Garrard, Hillyer, Hardin, Lancaster, Mason, Sebree, Simrall, Thompson, R. Taylor and H. Taylor.

Those who voted in the negative are, messrs. Bowmar, Chapline, Churchill, Ewing, Faulkner, Griffin, D. Garrard, Jones, Owens, Perrin, Sharp, South, Smith, Worthington, Wickliff, Wood, Waide, Welch, Wilson and Yancey.

And so the said motion was rejected.

Mr. Wood then proposed to amend it with the fifth, and

The question being taken thereon, it was resolved in the negative—Yeas 14—Nays 18.

The yeas and nays being required by messrs. Churchill and Wood, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and

messrs. Bartlett, Bowmar, J. Garrard, Hillyer, Hardin, Lancaster, Mason, Sebree, Simrall, Thompson, R. Taylor, H. Taylor and Wood.

Those who voted in the negative are, messrs. Chapline, Churchill, Ewing, Faulkner, Griffin, D. Garrard, Jones Owens, Perrin, Sharp, South, Smith, Worthington, Wickliff, Waide, Welch, Wilson and Yancey.

And so the said proposition was rejected.

Mr. J. Garrard moved an amendment by inserting the fourth; and the question being taken thereon, it was resolved in the affirmative—Yeas 21—Nays 11.

The yeas and nays being required by messrs. Wickliff and Churchill, were as follows, to-wit:

Those who voted in the affirmative are mr. Speaker, and messrs. Bartlett, Bowmar, Ewing, J. Garrard, D. Garrard, Hillyer, Hardin, Jones, Lancaster, Mason, Owens, Perrin, Sebree, Sharp, South, Simrall, Thompson, R. Taylor, H. Taylor and Wood.

Those who voted in the negative are, messrs. Chapline, Churchill, Faulkner, Griffin, Smith, Worthington, Wickliff, Waide, Welch, Wilson and Yancey.

Ordered, That mr. Ewing inform the house of representatives thereof, and request their concurrence in the said amendment.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, which was read, to-wit:

Gentlemen of the Senate,

I have received information that William Buford, who was nominated as major of the 11th regiment, is not the senior captain in said regiment, and therefore beg leave to withdraw the said nomination, and do nominate Audrew Combs, major of the said regiment, in place of Joel Henry, resigned; Edward L. Head, lieutenant colonel of the 24th regiment, in place of Samuel Niron, rejected; Moses Hubbard, major of the 26th regiment, in place of William Anderson, rejected; John Daviess, brigadier general of the 12th brigade, in place of Nicholas Miller, resigned.

GABRIEL SLAUGHTER.

January 31st, 1817.

The first nomination mentioned, was accordingly withdrawn.

Resolved, That the senate advise and consent to the residue of the nominations, except that of John Daviess, which is ordered to lie.

Mr. J. Garrard from the joint committee on the model for flax and hemp breaking, made the following report, to-wit:

The joint committee of both houses appointed in pursuance to a joint resolution, to examine the model of a machine invented by Thomas Pullen, for the purpose of breaking hemp and flax, do report, that they have performed the duty to them assigned, and have examined the model of the inventor. They have also seen the patent obtained for the invention, and the testimony of numbers who have seen the machine on a large scale realized, given by their subscription to a statement on that subject evidencing the advantages of the machine. Your committee from their own view and examination of the model independent of other evidence, concur in stating, that the machine is simple in its construction, and avoids that friction which always injures machinery of a complicated nature; that it is moved with a small degree of power, so that it can be used with but little expence, and that it is so constructed as to break hemp and flax with speed and ease, and they do not hesitate to add, that in their opinion, the invention is valuable, and that it will answer the end of breaking in large quantities with expedition, the necessary articles of flax and hemp.

JAMES GARRARD, jr.
JAMES WELCH,
DANIEL GARRARD. } *From the Senate.*

JAMES ROBISON,
JOHN PARKER,
SAMUEL SOUTH,
S. W. GARRISON,
WM. M'MILLAN,
T. DOLLERHIDE. } *From the house of Representatives.*

Which being received was read and agreed to.

On motion,

The committee of the whole house was discharged from any further consideration on the bill from the house of representatives entitled an act regulating the powers and duties of sheriffs, magistrates and constables.

Bills from the house of representatives of the following titles, to-wit: An act authorizing repairs to be made to the public buildings in the occupancy of the governor; an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased; an act to incorporate the Winchester Steam mill Company, were taken up, and the two latter read the first time, and the rule being dispensed with, they were severally read the second and third times; the second having been amended at the clerk's table,

Resolved, That the said bills do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence in the said amendments.

Mr. Faulkner from the joint committee of enrollments, reported, that the committee had laid before the lieutenant governor the bills last signed for his approbation.

Engrossed bills were severally read the third time, to-wit: 1, a bill for the benefit of Hannah Gorham, and for other purposes; 2, a bill for the benefit of William Jackman; 3, a bill to authorize the county court to appoint inspectors of flour.

Resolved, That the first bill do pass, and that the title be, an act for the benefit of Hannah Gorham, and for other purposes.

Ordered, That the clerk do carry the said bill to the house of representatives and request their concurrence.

The second was ordered to be laid on the table, and the third being amended, was ordered to be re-engrossed and read again.

A message from the house of representatives by mr. Underwood:

Mr. Speaker—The house of representatives have passed bills of the following titles, to-wit: An act to authorize certain lotteries in this commonwealth; an act for the relief of the heirs of David Miller, and an act to incorporate the Green river Iron Manufacturing Company and the Licking Iron Company; in which they request the concurrence of the senate. And then he withdrew.

Mr. D. Garrard moved the following resolution, to-wit:

Resolved, By the senate, that his excellency, the lieutenant governor be requested to return to this house, the order confirming the nomination of the honorable James Clarke, as circuit judge, as also the order rejecting the nomination of the honorable William M'Dowell, as circuit judge.

And the question being taken on agreeing thereto, it was resolved in the negative—Yeas 13—Nays 20.

The yeas and nays being required by messrs. H. Taylor and Worthington, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bowmar, Chapline, Churchill, Ewing, Griffin, D. Garrard, Lancaster, Owens, South, Wickliff, Waide, Wilson and Yancey.

Those who voted in the negative are, mr. Speaker, and messrs. Bartlett, Chambers, Faulkner, J. Garrard, Hillyer, Hardin, Jones, Mason, Perrin, Sebree, Sharp, Simrall, Smith,

Thompson, R. Taylor, H. Taylor, Worthington, Wood and Welch.

And so the said resolution was rejected.

A message from the house of representatives by mr. Trigg:

Mr. Speaker—The house of representatives have passed a bill authorizing commissioners to open a road from Estill court house leading from the Goose creek Salt works to the Wilderness road; in which they request the concurrence of the senate. And then he withdrew.

On the motion of mr. Yancey, leave was given to bring in a bill for the relief of John A. Holliday; and messrs. Yancey, Thompson, D. Garrard and Owens, were appointed a committee to prepare and bring it in; who by mr. Yancey, reported a bill which was received and read the first time, and the rule being dispensed with, it was read a second time, and ordered to be engrossed and read a third time.

On the motion of mr. Owens, the vote taken yesterday on the resolution for taking the sense of the legislature in relation to the election of governor, was reconsidered, and the resolution again taken up, and amended in the preamble by striking out the word "whole" and inserting 'residue of the,' and in the resolution, by striking out "whole period," and inserting "residue."

Ordered, That mr. Owens inform the house of representatives thereof and request their concurrence in the said amendments.

And then the senate adjourned.

SATURDAY, February 1, 1817.

The senate assembled.

Mr. Lancaster from the committee to whom referred the bill from the house of representatives entitled an act further to regluate clerks' fees in this commonwealth, reported the same with amendments, which were received, twice severally read and agreed to.

Mr. Sharp, moved to strike out the fifth section of the bill, which reads thus:

Sec. 5. *Be it further enacted*, That the clerk of courts shall be subject to an action or actions of trespass for any distress made on the goods, chattels or slaves of any individual or individuals, bodies politic or corporate, by virtue of any fee bill which contains any illegal or improper item therein, and no clerk of any court in this state in any such action of trespass, shall be allowed to justify under any fee bill issued by

him, if said fee bill shall contain on its face a single illegal item or charge, or an item for which the services have not been actually performed, or shall omit the name or names of any of the parties legally chargeable therewith, or shall have been paid, or shall not strictly comport with the several laws in force on the subject of fee bills; and in such actions of trespass, the finding of the jury, if for the plaintiff or plaintiffs, shall not be less than three times the amount of the fee bill or fee bills by virtue of which such distress was made.

And the question being taken thereon, it was resolved in the negative—Yeas 6—Nays 26.

The yeas and nays being required by messrs. Mason and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bowmar, Churchill, Sharp, R. Taylor, H. Taylor and Welch.

Those voted in the negative are, mr. Speaker, and messrs. Bartlett, Chambers, Ewing, Faulkner, Griffin, J. Garrard, D. Garrard, Hillyer, Hardin, Jones, Lancaster, Mason, Owens, Perrin, Sebree, South, Simrall, Smith, Thompson, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

And so the motion was rejected.

The bill was then read the third time with the amendment.

Resolved, That the said bill do pass, and that mr. Lancaster, inform the house of representatives thereof, and request their concurrence in the said amendments.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives have passed a bill increasing the powers of the trustees of the several towns in this commonwealth, in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of Peter Sibert; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act to amend the law regulating the towns of Millersburg, Paris and Bardstown, and for other purposes; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. White:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act allowing additional justices of the peace to certain counties in this commonwealth; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Birney:

Mr. Speaker,

The house of Representatives have passed a bill entitled an act for the benefit of Samuel Ewing, former sheriff of Mercer county; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Metcalfe:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act authorizing the county court of Nicholas to convey the public ground at Ellisville; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Jones:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act for the benefit of Mary Ward; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Ewing

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the benefit of William Hadden; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Dollerhide:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act to alter the division line between the counties of Pulaski and Wayne; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Goode:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the relief of James Swiggett; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Marshall:

Mr. Speaker,

The house of representatives have passed a bill entitled an act to authorize and encourage the publication of a Map of Kentucky, by Luke Munsell; in which they request the concurrence of the senate. And then he withdrew.

The eight former bills were severally read the first time, and the rule being dispensed with, they were severally read the second time.

Mr. Wickliff proposed the following amendment to the second bill, which being received, was read as follows, to wit:

"*Provided,* That said Peter Sibert shall enter into bond and sufficient security to the Nelson county court, to be approved of by said court, in the penalty of five thousand dollars, conditioned to pay all damages that may be sustained by any person or persons, by the erection of said mill-dam, either by detaining or staving any boat or boats, or any other water craft whatever. And that he will from time to time renew said bond, as the said county court may require; which bond shall be binding on all further owner or owners of said mill; and conditioned also, that he will within ninety days after a jury, directed by the county court of Nelson aforesaid, shall be summoned by the sheriff, and after taking the necessary oaths, shall say in their verdict, that said dam obstructs the navigation of the Beech fork, remove such obstruction, and to pay all damages sustained by the erection of said dam, which may be recovered before any justice of the peace or circuit court having jurisdiction of the same."

And the question being taken on agreeing thereto, it was resolved in the affirmative—Yeas 13—Nays 9.

The yeas and nays being required by messrs. Wickliff and Chambers, were as follows, viz:

Those who voted in the affirmative are, mr. Speaker, and messrs. Churchill, Ewing, Faulkner, Griffin, Lancaster, Mason, Perrin, South, H. Taylor, Wickliff, Waide and Yancey.

Those who voted in the negative are, messrs. J. Garrard, D. Garrard, Owens, Sharp, Smith, R. Taylor, Worthington, Wood and Wilson.

The rule was again dispensed with, and the bills were severally read the third time with amendments.

The fourth having been also amended at the clerk's table.

Resolved, That the said bill do pass as amended, and that mr. Wickliff inform the house of representatives of the se-

cond, and the clerk the others, and respectively request a concurrence in the said amendments.

A message from the house of representatives by mr. Hawkins:

Mr. Speaker,

The house of representatives concur in the amendment proposed by the senate upon concurring in that offered by the house of representatives to the resolution for a final adjournment of the legislature. And then he withdrew.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate to the resolution for taking the sense of the legislature in relation to the election of governor; they concur in the first and disagree to the residue of the amendments proposed by the senate, to the bill entitled, an act authorizing repairs to be made to the public buildings in the occupancy of the governor; they concur in the amendments to the bills of the following titles, to wit: An act to legalize the proceedings of the Estill county court, and for other purposes; an act regulating clerks' fees, and for other purposes; an act to incorporate the Petersburg Steam Mill Company; an act for the benefit of the estates of David Niess, Isaac Ward and John Thompson, deceased. They have passed bills from the senate of the following titles, to wit: An act for the benefit of the widow and heirs of Wilson Pickett, deceased; an act for the relief of the executors and devisees of Azariah Davis, deceased, with amendments; and they have passed bills of the following titles, to wit: An act to authorize the transcribing certain entry books in the surveyor's office of Fayette county; and an act for the relief of Ludowick Oneal; in which amendments and bill they request the concurrence of the senate. And then he withdrew.

Resolved, That the senate recede from their amendments to the first amendment to the first mentioned bill; that they disagree to amendments offered to the bill for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased; and that they concur in the amendments proposed to the other bills from the senate.

Ordered, That the clerk inform the house of representatives thereof.

The bills from the house of representatives were then severally read the first time, and the rule being dispensed with, were severally read the second and third times.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

Mr. Welch from the committee to whom was referred the bill from the house of representatives entitled, an act to detach the counties of Campbell and Boone from the third judicial district, and further to regulate certain judicial districts in this commonwealth, reported the same without amendment.

The bill was then read the third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Todd:

Mr. Speaker,

The house of representatives have adopted the following resolution, to wit:

The select committee appointed to enquire into sundry charges made known to the house of representatives against Thomas S. Wingate, a justice of the peace for the county of Henry, have performed the duty to them assigned, by calling the accused before them, together with sundry witnesses against him and in his favor; by examining all the testimony on both sides, and hearing the accused both by himself and counsel; and have after mature deliberation, unanimously adopted the following report, to wit:

It but seldom falls to the lot of enquiry or trying officers to have to record a blacker catalogue of crimes than is established by the evidence against the accused; and for the honor of human nature and the credit of that respectable and necessary body of magistracy, styled justices of the peace, your committee sincerely hope that such instances of depravity will very seldom occur. Your committee have not thought proper to report all the evidence in detail, because it is not contradictory or doubtful; but they have reported in the address accompanying this report, the facts which they know are indubitably established. They have therefore determined to recommend to the legislature to adopt an address of both branches, requiring from the executive a removal of the accused from office, agreeably to the provisions of the constitution; and to effectuate that object, they report for consideration the following resolution and address, to wit:

Resolved by the general assembly of the commonwealth of Kentucky, (two thirds of each branch concurring therein,) That Thomas S. Wingate, a justice of the peace in and for the county of Henry, ought to be removed from the office of justice of the peace; and that the following address be presented to his excellency Gabriel Slaughter, lieutenant gover-

nor, acting as governor of this commonwealth, in order that said removal may be effected..

To his excellency Gabriel Slaughter, lieutenant governor, acting governor of the commonwealth of Kentucky.

According to the provisions of the constitution of this state, the senate and house of representatives, (two thirds of both houses concurring,) present you this address, requiring you to remove from office Thomas S. Wingate, a justice of the peace in and for the county of Henry, for the following causes and reasons, which they have caused to be stated at length on the journals of both houses, to-wit:

First. The said Thomas S. Wingate, while acting officially as a justice of the peace under the commission he now holds, first rendered a judgment in favor of Andrew Buchanan, for the sum of two dollars, against John Swift, when it was known to him that the consideration was gaming; and speedily after rendering that judgment, the said Swift and Buchanan, commenced playing and betting again on a game of cards; and after Buchanan had won two more dollars of Swift, the justice in question proposed to play the hand of Swift against Buchanan, to which Swift agreed; the justice then extracted from Swift, a promise, that if he, Swift, should lose on the play of the justice, he, the justice, should be permitted to render judgment against Swift for the amount lost. The game proceeded between the magistrate and Buchanan, until Swift had lost eight dollars more; which added to the two before won, made the sum of ten dollars. This sum Swift declined paying, because he had not the money at hand. The justice forthwith issued his warrant, entered a judgment by confession on his record, without the defendant Swift, having made any confession other than the corrupt agreement before alluded to with the justice; that if Swift lost, the justice should give judgment, and he awarded execution whereby Swift was imprisoned.

Secondly. The said Thomas S. Wingate had become indebted to a certain John Satterwhite, the sum of fifty dollars, for a horse purchased, for which he had given his note. He next won of the same John Swift, at the game called cross and pile, about one hundred and fifty dollars. He then induced Swift to give his note for fifty dollars, part of the money won to the said Satterwhite, and lift the note of said Wingate; on this note the said Wingate immediately issued his warrant, gave judgment and awarded execution against the body of Swift.

Thirdly. He on the seventh of December last, in the town

of New Castle, during the continuance of his office played at cards in an open stable in day light, for upwards of one hour.

Fourthly. On a late occasion after the said Wingate had empannelled a jury to try rioters, and they had disagreed in their verdict, and he had been called in to instruct them on the law of the case, he agreed at the solicitation of the jury, and on their furnishing him with funds for that purpose, to provide and furnish them with spirituons liquors; after the introduction of spirits, the quantity brought was still increased until he and many of the jury, became intoxicated; hallooing and ludicrous scenes succeeded in their sport, of which the magistrate bore his part, his face was painted and blackened with the snuff of the candle, and they continued to revel, till late at night the jury dispersed; to punish the jury for separation and dispersion from this cabal, the magistrate issued his process, and afterwards withdrew it, on being threatened that measures would be taken to remove him from office if he persisted.

Fifthly. After charges were framed and verified by affidavit, and lodged in the hands of David White, jr. a member of the house of representatives, to be laid before that body for the purpose of instituting an enquiry against the said magistrate, he got by some means not necessary to detail, the horse of John Swift, the prosecutor into his possession, and refused to re-deliver him unless the prosecutor would sign an order to said White to withdraw the charges. After writing one or two orders which negatived the truth of the charges, and the said Swift having refused to sign them, he drew one, which amounted in its terms simply to an order to withdraw the charges, which Swift executed. This order, said White did not think proper to comply with, and returned it to Wingate, who again presented it before the committee with these words added, "and I am in the error." This forgery was detected, and completely established against him during the progress of the investigation into his conduct.

Sixthly. The said Wingate, while acting as a magistrate, on the bench of the county court of Henry, was appointed a captain of patrollers, with a company of four others: for the services of himself and these patrollers, he procured an allowance to be made for his own benefit, and transferred it to others on the record; and although the evidence in this point is not conclusive, yet it is such as to induce a strong belief that neither Wingate as captain, or his associates or patrollers performed any of the duties assigned by law to patrollers, and that his associates never even knew of their appointment

till the money was levied and collected from the county. For the justice himself confessed to one of the witnesses, that he had hired men by treats of whiskey to take scouts with him, by way of patrolling, as a pretext for the claim against the county.

Seventhly. To all this, may be added, that the said Thomas S. Wingate, is notoriously a drunkard and a gamester, and wears notoriously the obnoxious character of a cheat, a swindler and liar, to the prejudice of the rights of the good people of this state: for these reasons we require a removal of said Thomas S. Wingate from office.

Passed the house of representatives unanimously.

Attest, ROBERT S. TODD, C. H. R.

In which they request the concurrence of the senate.

And then he withdrew.

The resolution was then twice read and concurred in.

Ordered, That mr. J. Garrard inform the house of representatives thereof.

A bill from the house of representatives entitled an act to authorize certain lotteries in this commonwealth, was taken up, read the first time and ordered to be read a second time.

A message from the house of representatives by mr. Duncan:

Mr. Speaker—The house of representatives insist on their amendment to the bill from the senate entitled an act to establish and regulate the town of Rossborough, in Daviess county. And then he withdrew.

Resolved, That the senate recede from their disagreement thereto, and that mr. Hillyer inform the house of representatives thereof.

The bill from the house of representatives entitled an act altering the mode of summoning petit jurors in this commonwealth, was again taken up.

Mr. Faulkner moved to lay the same together with the amendments which had been proposed thereto, upon the table until the first day of May next.

And the question being taken thereon, it was resolved in the affirmative—Yeas 17—Nays 13.

The yeas and nays being required by messrs. Faulkner and Lancaster, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker and messrs. Bartlett, Bowmar, Ewing, Faulkner, Griffin, D. Garrard, Owens, Sebree, Sharp, South, R. Taylor, H. Taylor, Worthington, Wood, Welch and Yancey.

Those who voted in the negative are, messrs. Churchill, Chambers, J. Garrard, Hillyer, Hardin, Jones, Lancaster, Mason, Perrin, Smith, Wickliff, Waide and Wilson.

A bill from the house of representatives entitled an act to amend an act entitled an act regulating certain surveys in this commonwealth, was read the third time.

Resolved, That the said bill do pass, and that mr. Yancey inform the house of representatives thereof.

An engrossed bill for the benefit of John Holliday was read the third time.

Resolved, That the said bill do pass, and that the title be, "an act for the benefit of John Holliday."

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence.

Bills from the house of representatives of the following titles, to-wit: An act for the benefit of the heirs of David Miller; an act authorizing commissioners to open a road from Estill court-house leading by the Goose creek Salt works to the wilderness road: were severally read the first time, and the rule being dispensed with, they were severally read the second and third times; the latter having been amended at the clerk's table.

Resolved, That the said bill do pass with the amendment, and that the clerk inform the house of representatives thereof, and request their concurrence in the said amendment.

The nomination of John Daviess as brigadier general of the 12th regiment, was taken up, and

The question being taken thereon, it was resolved in the affirmative—Yeas 17—Nays 7.

The yeas and nays being required by messrs. Owens and Hillyer, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker and messrs. Ewing, Faulkner, D. Garrard, Hillyer, Lancaster, Mason, Owens, Sebree, Sharp, South, Smith, R. Taylor, H. Taylor, Worthington, Wood and Yancey.

Those who voted in the negative are, messrs. Chambers, J. Garrard, Jones, Perrin, Wickliff, Waide and Welch.

Resolved, That the senate advise and consent to the nomination of the said John Daviess as brigadier general of the twelfth brigade, and that messrs. Hillyer, Owens and Wickliff, be a committee to acquaint the lieutenant governor therewith.

A bill further to regulate the general court, was taken up, amended at the clerk's table and ordered to be engrossed as amended and read the third time.

Mr. Faulkner from the joint committee of enrollments reported that the committee had examined enrolled bills, entitled an act for the benefit of the heirs of Richard M. Gano, deceased, and resolutions for printing the militia laws of this session, and for a final adjournment of the legislature, and found the same truly enrolled.

On the motion of mr. D. Garrard, leave was given to bring in a bill for paying certain guards in this commonwealth; and messrs. D. Garrard, South, J. Garrard and Owens, were appointed a committee to prepare and bring in the same.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The speaker of the house of representatives having signed an enrolled bill and resolutions, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Whereupon mr. speaker signed the same, being those just reported by mr. Faulkner, and they were delivered to the joint committee to be presented to the governor for his approbation.

The senate received a message in writing from the lieutenant governor by mr. Seretary Pope, containing official information that he did on this day, approve and sign enrolled bills, which originated in the senate of the following titles, to-wit: An act for the relief of the widows and children of William Harrell, John Stephens and William Harris; an act to regulate the town of New Castle, in Henry county; an act to vest certain powers in the county court of Breckenridge county, in relation to certain Seminary lands; an act further to regulate the Robertson Academy, in Adair county. A resolution for publishing a certain number of copies of the militia law; a resolution for a final adjournment of the legislature.

Ordered, That the clerk inform the house of representatives thereof.

The amendments offered by the house of representatives to the bill entitled an act for altering the time of holding the circuit courts of Casey county was taken up, twice read and concurred in with an amendment.

Ordered, That mr. Chambers inform the house of representatives thereof, and request their concurrence in the said amendment.

And then the senate adjourned.

MONDAY, FEBRUARY 3, 1817.

The senate assembled.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act to provide for a more speedy recovery of the custody of children or wards; in which they request the concurrence of the senate. And then he withdrew.

A message from the house of representatives by mr. Lackey:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act for opening a road from Prestonsburg to Mountsterling; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by mr. Todd:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act concerning the keepers of ferries on the Ohio river; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives have passed bills of the following titles, viz: an act authorizing the trustees of the Woodford seminary to sell part of their lot; an act to amend an act more effectually to suppress the practice of duelling; in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by mr. Barrett:

Mr. Speaker,

The house of representatives have passed a bill entitled, an an act adding part of the county of Barren to the county of Green; in which they request the concurrence of the senate.

And then he withdrew.

The said bills were severally read the first time; and the rule being dispensed with, the five former were severally read a second time; and the rule being again dispensed with, the first and fourth were severally read the third time.

Resolved, That the said bills do pass, and that the clerk inform the house of representatives thereof.

The second bill was committed to messrs. Mason, South, Lancaster, D. Garrard, Jones and H. Taylor.

The rule was dispensed with, and the third bill was read

the third time; and the question being taken on the passage thereof, it was resolved in the negative.

And so the said bill was rejected.

The fifth bill was committed to messrs. J. Garrard, Chambers and Simrall; who, by mr. J. Garrard, reported the same with an amendment; which was received, twice read and disagreed to.

The rule was then dispensed with, and the bill read a third time.

Resolved, That the said bill do pass, and that mr. J. Garrard inform the house of representatives thereof.

The question was then taken on a second reading of the sixth bill, and it was resolved in the negative.

Yeas 4—Nays 26.

The yeas and nays being required by messrs. Yancey and Owens, were as follows, viz:

Those who voted in the affirmative are, messrs. J. Garrard, Mason, Owens and Welch.

Those who voted in the negative are, mr. Speaker, and messrs. Bartlett, Bowmar, Churchill, Chambers, Faulkner, Griffin, Hillyer, Jones, Lancaster, Perrin, Parks, Sebree, Sharp, South, Simrall, Thompson, R. Taylor, H. Taylor, Worthington, Wickliff, Wood, Waide, Wilson and Yancey.

Ordered, That the clerk inform the house of representatives thereof.

The senate received a message in writing from the lieutenant governor by mr. Waggoner, which was read as follows, viz:

Gentlemen of the senate,

The county court of Cumberland county having failed to recommend at either the terms pointed out by the constitution two proper persons, one of whom to fill the office of sheriff, which is about to expire in said county; I nominate for your advice and consent, James Cowan (he being the senior magistrate) as a proper person to fill said office.

I also nominate John Briant, col. of the 2d regiment, in place of Jonathan Simpson, promoted; Joseph Smith, lieutenant colonel of the same regiment, in place of John Briant, if promoted; William Glenn, colonel of the 73d regiment, in place of John Daviess, promoted; Meredith Cox, lieutenant colonel of the same regiment, in place of William Glenn, if promoted; Richard A. Buckner, attorney for the commonwealth in the 8th judicial district, in place of Tunstall Quarles, who is stricken off in the 12th district.

GABL. SLAUGHTER.

February 3d, 1817.

Resolved, That the senate advise and consent to the said nominations, and that messrs. Owens, Welch and Faulkner acquaint the lieutenant governor therewith.

Mr. Lancaster from the committee to whom was referred the bill from the house of representatives entitled, an act further to regulate the fees of sheriffs and constables of this commonwealth, reported the same with amendments; which were received, severally twice read, amended and agreed to.

The bill was then read a third time as amended.

Resolved, That the said bill do pass as amended, and that the title be amended to read, an act to regulate the fees of sheriffs, jailors and constables.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence in the said amendments.

Mr. D. Garrard from the committee appointed, presented a bill for paying certain guards in this commonwealth; which was received and read the first time; and the rule being dispensed with, it was read the second and third time.

Resolved, That the said bill do pass, and that the title be, an act for paying certain guards in this commonwealth.

Ordered, That the clerk inform the house of representatives thereof, and request their concurrence.

Mr. Faulkner from the joint committee of enrollments reported, that the committee had examined sundry enrolled bills of the following titles, and found the same truly enrolled.

An act for the relief of the devisees of Ludowick Oneal; an act incorporating the Winchester steam mill company; an act authorizing the county court of Fayette to lease out a part of the public ground in Lexington; an act increasing the powers of the trustees of the several towns in this commonwealth; an act to provide for the sale of part of the public ground in the town of Hopkinsville, and for other purposes; an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased; an act to detach the counties of Campbell and Boone from the third judicial district, further to regulate certain judicial districts in this commonwealth, and to alter the time of holding the Fayette and Scott circuit courts; an act to incorporate the Petersburgh steam mill company; an act to amend an act entitled, an act regulating certain surveys in this commonwealth; an act for the relief of the heirs of David Miller; an act authorizing repairs to be made to the public buildings in the occupancy of the governor; an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased; an act to legalize the proceedings of the Es-

till county court, and for other purposes; an act to regulate the town of Falmouth, and for other purposes; an act respecting the seat of justice of Caldwell county; an act to establish and regulate the town of Rossborough, in Daviess county, and to change the name thereof; a resolution declaring the sense of the legislature with respect to an election to fill the vacancy occasioned by the death of his late excellency George Madison, deceased.

A message from the house of representatives by mr. Ewing:

Mr. Speaker,

The house of representatives concur in the amendment offered by the senate to the bill entitled, an act for the benefit of Mary Ward.

And then he withdrew.

The bill from the house of representatives entitled, an act to authorize the transcribing certain entry books in the surveyor's office of Fayette county, was amended at the clerks' table, and read the third time with the amendment.

Resolved, That the said bill do pass as amended, and that mr. Lancaster inform the house of representatives thereof, and request their concurrence in the said amendment.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act concerning the Fayette county court; in which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time, and the rule being dispensed with, it was read the second and third times.

Resolved, That the said bill do pass, and that mr. Owens inform the house of representatives thereof.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives concur in the amendment offered by the senate upon concurring in those proposed by the house of representatives to the bill entitled, an act to alter the time of holding the circuit courts of Casey county; they concur in the amendments proposed by the senate to the bills of the following titles, viz: an act authorizing commissioners to open a road from Estill court house, leading by Goose creek salt works to the wilderness road; and an act to incorporate the Green river iron company, and the Licking iron company. They disagree to the amendment offered to the bill entitled, an

act for the relief of Peter Sibert; and they have adopted the following resolution, viz:

Resolved, By the legislature of the commonwealth of Kentucky, that his excellency the lieutenant governor thereof be, and he is hereby respectfully requested to open a correspondence with the governors of the states of Ohio and Indiana respectively in relation to fugitive slaves; who escape from their proprietors in this state, and conceal themselves and are concealed or assisted in their concealment, by some of the citizens of those states: That he represent to those governors respectively, in strong terms, the amicable disposition of the citizens of this state, towards the citizens of those states respectively: That it is the wish not less than the interest of our citizens that harmony should prevail between the states: That the difficulty experienced by the citizens of this state in reclaiming their fugitive slaves, who may have escaped into those states, owing to the real or supposed obstructions produced by their citizens, is calculated to excite sensations unfavorable to the friendly relations which ought to subsist between neighbouring states; and that he request those governors respectively, to recommend to their respective legislatures the adoption of such municipal regulations in relation to this interesting subject as may be best calculated to do justice to all concerned and to promote and increase the amity now existing between this and those states.

In which resolution they request the concurrence of the senate. And then he withdrew.

The amendment to the last mentioned bill was again considered.

Resolved, That the senate adhere thereto, and that mr. Lancaster inform the house of Representatives thereof.

The said resolution was twice read and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

On the motion of mr. Mason leave was given to bring in a bill concerning ferries; and

Messrs. Mason, Sharp and Wood were appointed a committee to prepare and bring in the same.

A message from the house of representatives by mr. Booker.

Mr. Speaker,

The house of representatives recede from their amendment to the bill entitled, an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased.

And then he withdrew.

An engrossed bill further to regulate the general court, was read the third time.

And the question being taken on the passage thereof, it was resolved in the affirmative.—Yeas 14—Nays 11.

The yeas and nays being required by messrs. Bowmar and Owens, were as follows, viz:

Those who voted in the affirmative are, messrs. Churchill, Ewing, Faulkner, Griffin, Lancaster, Mason, Perrin, South, H. Taylor, Wickliff, Waide and Yancey.

Those who voted in the negative are, mr. Speaker, and messrs. Bartlett, Bowmar, Chambers, J. Garrard, Hillyer, Mason, Sebree, Thompson, R. Taylor and H. Taylor.

Resolved, That the said bill do pass, and that the title be, an act further to regulate the general court.

Ordered, That mr. Owens do carry the said bill to the house of representatives, and request their concurrence.

A message from the house of representatives by mr. White:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker.

And then he withdrew.

Mr. Yancey from the joint committee of enrollments reported, that the committee had examined sundry enrolled bills, and found the same truly enrolled.

An act providing for a change of venue in the case of Armistead Churchill; an act to amend and explain an act entitled, an act to amend the act to ascertain the boundaries of and for processioning lands; an act relative to the stream of Nolin, in Hardin county; an act for encouraging the importation of goods by the port of New Orleans; an act for the befit of the widow and heirs of John C. Johnson, deceased; an act for the relief of the trustees of the Jefferson seminary, and for other purposes.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker.

And then he withdrew.

Mr. Speaker then signed the said bills, being those reported to-day by messrs. Faulkner and Yancey, and they were delivered

ered to the joint committee of enrollments to be presented to the lieutenant governor for his approbation.

A bill from the house of representatives entitled, an act to regulate the powers and duties of sheriffs, magistrates and constables, was read the third time and amended.

And the question being taken on the passage thereof, it was resolved in the negative; and so the said bill was rejected.

Ordered; That the clerk inform the house of representatives thereof.

A bill from the house of representatives entitled, an act to authorize certain lotteries in this commonwealth, was read the second time.

Mr. Wood moved to lay the bill and the amendments which were offered thereto on the table until the 10th of March.

And the question being taken thereon, it was resolved in the affirmative—Yeas 15—Nays 13.

The yeas and nays being required by messrs. South and Perrin, were as follows, viz:

Those who voted in the affirmative are, messrs. Bowmar, Chambers, Faulkner, Griffin, D. Garrard, Hillyer, Perrin, Parks, Sebree, Sharp, H. Taylor, Worthington, Wood, Waide and Wilson.

Those who voted in the negative are, mr. Speaker, messrs. Bartlett, Ewing, J. Garrard, Jones, Mason, Owens, South, Simrall, Thompson, R. Taylor, Wickliff and Yancey.

Bills from the house of representatives of the following titles, viz:

An act authorizing the county court of Nicholas to convey the public ground at Ellisville; an act to alter the division line between the counties of Pulaski and Wayne; an act for the relief of James Swiggett; an act to encourage the publication of a map of Kentucky, by Luke Munsell; were severally read the first time.

The rule was dispensed with, and the first was read the second time and committed to messrs. Parks, Owens, Griffin, Chambers and Simrall; the residue were ordered to be read a second time.

A message from the house of representatives by mr. Hornbeck:

Mr. Speaker,

The house of representatives have passed a bill entitled, an an act providing for a change of venue in the case of William Montgomery, in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act concerning the penitentiary, in which they request the concurrence of the senate.

And then he withdrew.

A message from the house of representatives by mr. White:

Mr. Speaker,

The house of representatives concur in the amendment offered by the senate to the bill entitled, an act allowing additional justices of the peace to certain counties in this commonwealth.

And then he withdrew.

A message from the house of representatives by mr. M'Coun:

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate to the bill entitled, an act authorizing a sale of part of the public ground in the town of Harrodsburg.

And then he withdrew.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives disagree to the amendment proposed by the senate to the bill entitled, an act authorizing the transcribing certain entry books in the surveyor's office of Fayette county.

And then he withdrew.

The said amendment was then again considered.

Resolved, That the senate insist thereon, and that mr. Lancaster inform the house of representatives thereof.

A message from the house of representatives by mr. M'Millan:

Mr. Speaker,

The house of representatives recede from their disagreement to the amendment proposed by the senate to the bill entitled, an act for the relief of Peter Sibert.

And then he withdrew.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act concerning the turnpike and wilderness

road, with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The said amendments were then twice read and concurred in.

Ordered, That mr. Welch inform the house of representatives thereof.

A message from the house of representatives by mr. Mills:

Mr. Speaker,

The house of representatives disagree to the bills from the senate of the following titles, viz: an act to amend the several acts regulating appeals; an act relative to changing of venue in civil cases; and they have passed the bill entitled, an act respecting the conveyance and also the division of the real estate of which William Kennady, Benjamin Beall and Jannett H. Beall, late of the county of Campbell, in this commonwealth, died seized, with amendments, in which they request the concurrence of the senate.

And then he withdrew.

The amendments were then twice read and agreed to.

Ordered, That mr. Owens inform the house of representatives thereof.

Mr. Churchill laid on the table the following resolution:

Resolved, By the general assembly of the commonwealth of Kentucky, that the lieutenant governor appoint and commission attornies for the commonwealth, for the several judicial districts in this state for the present year.

Mr. Mason from the committee appointed, presented a bill concerning ferries.

And then the senate adjourned.

TUESDAY, February 4, 1817.

The senate assembled.

Mr. Mason from the committee to whom was referred the bill from the house of reprerentatives entitled, an act for opening a road from Mountsterling to Prestonsburg, reported the same with an amendment:

Which was twice read and agreed to.

The bill was then read a third time with the amendment.

Resolved, That the said bill do pass as amended;

And that mr. Mason inform the house of representatives thereof, and request their concurrence in the said amendment.

A message from the house of representatives by mr. Davenport:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act for the benefit of the Red river iron works:

In which they request the concurrence of the senate.

And then he withdrew.

The bill was read the first time, and the rule being dispensed with, it was read a second and third time,

Resolved, That the said bill do pass, and that mr. D. Garrard inform the house of representatives thereof.

Mr. Parks from the committee to whom was referred the bill from the house of representatives entitled, an act authorizing the county court of Nicholas to convey the public ground at Ellisville, reported the same without amendment.

The bill was then read the third time,

Resolved, That the said bill do pass, and that mr. Parks inform the house of representatives thereof.

Bills from the house of representatives of the following titles, were severally read the first time, to-wit:

An act providing for a change of venue in the case of William Montgomery; an act concerning the penitentiary.

And the rule being dispensed with, they were severally read the second and third time,

Resolved, That the former bill do pass, and that mr. Owens inform the house of representatives thereof.

The question was then taken on the latter bill, and it was also resolved in the affirmative—Yeas 17—Nays 8.

The yeas and nays being required by messrs. Jones and Griffin, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker and messrs. Bartlett, Bowmar, Chambers, Faulkner, J. Garrard, D. Garrard, Hillyer, Mason, Owens, Parks, Sebree, Simrall, Thompson, R. Taylor, H. Taylor and Welch.

Those who voted in the negative are, messrs. Griffin, Jones, Lancaster, Perrin, South, Worthington, Waide and Yancey.

Resolved, That the said bill do pass, and that mr. Bowmar inform the house of representatives thereof.

A bill concerning ferries, was read the first time.

The rule being dispensed with, it was read the second and third time.

Resolved, That the said bill do pass, and that the title be, an act concerning ferries.

Ordered, That mr. Mason inform the house of representatives thereof and request their concurrence.

Bills from the house of representatives of the following titles, were severally read the second time, to-wit:

An act to encourage the publication of a map of Kentucky by Luke Munsell; an act to alter the division line between the counties of Pulaski and Wayne; an act for the relief of Thomas Swiggett.

And the rule being dispensed with, they were severally read the third time.

And the question being taken on the passage of the first, it was resolved in the affirmative—Yeas 11—Nays 10.

The yeas and nays being required by messrs. Faulkner and Thompson, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker and messrs. Bowmar, J. Garrard, D. Garrard, Perrin, Parks, Sebree, Simrall, R. Taylor, Welch and Wilson.

Those who voted in the negative are, messrs. Bartlett, Faulkner, Griffin, Jones, Owens, Thompson, Worthington, Wood, Waide and Yancey.

Resolved, That the said bill do pass, and that mr. Simrall inform the house of representatives thereof.

And the question was then taken on the passage of the second bill, and it was resolved in the affirmative—Yeas 14—Nays 7.

The yeas and nays being required by messrs. Wood and D Garrard, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Bowmar, Chambers, Faulkner, Griffin, J. Garrard, D. Garrard, Perrin, Parks, Sebree, South, R. Taylor, Worthington and Yancey.

Those who voted in the negative are, mr. Speaker and messrs. Jones, Sharp, Thompson, Wood, Waide and Welch.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

The third bill was ordered to be laid on the table until the first day of May next.

The senate received official information that the governor did on this day approve and sign enrolled bills, which originated in the senate, of the following titles, to-wit:

An act concerning the seat of justice of Caldwell county; and an act to establish and regulate the town of Rossborough in Daviess county, and to change the name thereof.

Ordered, That the clerk inform the house of representatives thereof.

The senate received a message in writing from the lieutenant Governor by mr Waggener, containing nominations, to-wit:

Gentlemen of the Senate.

I nominate for your advice and consent, Conrod Overturf, brigadier general of the 7th brigade, in place of Robert Poage, promoted. Lewis Hawkins, colonel the 28th regiment, in placeof Conrod Overturf, if promoted. William Chaffin, lieutenant colonel of the same regiment, in place of Lewis Hawkins, if promoted.

GABRIEL SLAUGHTER.

February 4th, 1817.

Which being read,

Resolved, That the senate advise and consent to those of Overturf and Hawkins, and that they do not advise and consent to that of Chaffin.

Ordered, That messrs. Chambers, Perrin and Thompson inform the lieutenant governor thereof.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives insist on their disagreement to the amendment proposed by the senate, to the bill entitled, an act authorizing the transcribing certain entry books in the surveyor's office of Fayette county.

And then he withdrew.

The said amendment was the again considered.

Resolved, That the senate adhere thereto, and that mr. Lancaster acquaint the house of representatives therewith.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The house of representatives disagree to the first, and concur in the second amendment offered by the senate, to the bill entitled, an act for opening a road from Mountsterling to Prestonsburg. And then he withdrew.

Resolved, That the senate recede from the said first amendment, and that mr. Mason inform the house of representatives thereof.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The house of representatives have adopted the following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, That his excellency the lieutenant governor, be, and he is hereby respectfully solicited to transmit to his excellency James Madison, president of the United States, the

following address expressive of the sense of this body with regard to that distinguished citizen.

SIR—The legislature of Kentucky present you with an expression of their feelings and sentiments at the close of your administration. We know that the approbation of republicans is the noblest reward that can be conferred on their chief magistrate, and your approaching retirement will soon exhibit you on a level with other private citizens, distinguished by your virtues and past services; a situation where no congratulatory address can be supposed to elicit in return the favors of executive patronage. Your services In advocating the constitution of your country; in filling with fidelity many important offices under that government, and thereby promoting its welfare; in approaching the presidential chair, in conducting that arduous and important office, with correct policy; in managing the helm of state through a just and necessary, but a tempestuous and boisterous war, difficult on account of the power of the enemy, but rendered more dangerous by faction at home, recommended by your patriotism, prosecuted under your auspices, and terminated gloriously by your undeviating perseverance, presenting a crisis unknown to any other chief magistrate since the adoption of our constitution; all demand of us an unequivocal declaration of your title to the lasting gratitude of the people of Kentucky; and while we contemplate with delight the elevated attitude of this nation, among the civilized governvernments of the age, we will cherish with pleasure the memory of the man whose talents and services have so eminently contributed to his country's character and unsullied honor.

In which they request the concurrence of the senate.

And then he withdrew.

The said resolutions were then taken up, twice read and unanimously concurred in.

Ordered, That mr. Yancey inform the house of representatives thereof.

The senate received a message in writing from the lieutenant governor by mr. secretary Pope, containing objections to bills of the following titles, to-wit:

An act for the benefit of the Harrison, Washington and Nicholas academies; and an act authorizing a lottery for opening a road from Owensville, in Bath county, to Prestonsburg, in Floyd county, and for other purposes; which objections were read as follows, to-wit:

Gentlemen of the Senate,

I return with my objections, the enrolled bills with the fol-

lowing titles: A bill entitled, an act for the benefit of the Harrison, Washington and Nicholas academies; an act authorizing a lottery for opening a road from Owensville, in Bath county, to Prestonsburg, in Floyd county, and for other purposes. With a sincere disposition to co-operate with the legislature in all measures calculated to advance the general welfare, and more especially institutions of learning, I regret that I am constrained by a sense of duty to withhold my approbation and signature from the bills before recited, because they severally authorize one or more lotteries for the purposes therein specified.

I take this early opportunity of protesting against this mode of raising money: A lottery has ever been deemed a species of gaming, and if not so, in the ordinary sense of the term, it awakens and generates a spirit of gambling which public sentiment and the public good require the legislature to controul, and if practicable, suppress. All private lotteries have in civilized countries been held and declared to be public nuisances; and the legislature of this commonwealth at their last session seem to have viewed them as gaming devices. The necessity imposed of legislative sanction and regulations may lessen the evils incident to schemes of this sort, but cannot change their character or entirely prevent their pernicious effects. The example of government lessens the odium attached to the practice and emboldens individuals to adopt artifices to elude legislative prohibitions. The people will naturally enquire, can that be wrong or immoral, which has the countenance and support of the legislative authority. To invite the citizens to participate in games of hazard, tends to render them discontented with the reasonable profits of regular business, and to relax the morality and honest industry of the country upon which the duration of our free institutions so essentially depends. It would seem to me to be the true policy of the state, instead of introducing to exclude, as much as possible, chance from the transactions of its citizens. The indulgence of this practice of raising money in our country, bears a strong analogy to the course pursued by the governments of Europe. There all private lotteries are denounced as nuisances, pernicious in their effects on the moral and industrious habits of the community, and yet lottery schemes are resorted to every year by those governments, to draw money from the people. I consider the public revenue and other funds of the commonwealth aided by the liberality of the people, amply sufficient for every useful and practicable object.

To that part of the bill above recited, which authorizes a lottery for the purpose of opening a road from Owensville to Prestonsburg, I object also, because it contains no provision, requiring bond and security, from the managers of the lottery, for the faithful discharge of their duty, and the proper application of the money to be raised. Influenced by these general considerations, without undertaking to detail all the evil consequences of lotteries, I must refuse my assent to so much of the bills referred to as authorise them.

GABRIEL SLAUGHTER.

February 4, 1817.

The senate then proceeded according to the provision of the constitution to re-consider the said bills together with the said objections.

And the question being taken on the passage of the first notwithstanding the objections, it was resolved in the negative—Yeas 10—Nays 13.

Those who voted in the affirmative are, mr. Speaker and messrs J. Garrard, Jones, Perrin, Parks, Sharp, South, R. Taylor H. Taylor and Wickliff.

Those who voted in the negative are, messrs. Bartlett, Chambers, Faulkner, Griffin, Hillyer, Lancaster, Mason, Owens, Sebree, Worthington, Wood, Welch and Yancey.

And so the said bill was rejected.

The question was then taken on the passage of the second bill notwithstanding the objections of the executive, and it was also resolved in the negative—Yeas 8—Nays 15.

Those who voted in the affirmative are, mr. Speaker and messrs. Jones, Mason, Sharp, South, R. Taylor, H. Taylor and Wickliff.

Those who voted in the negative are, messrs. Bartlett, Chambers, Faulkner, Griffin, Garrard, Hillyer, Lancaster, Owens, Perrin, Parks, Sebree, Worthington, Wood, Welch and Yancey.

And so the said bill was rejected.

Leave was given to bring in the following bills, viz :

On motion of mr. Parks : a bill preventing mill dams hereafter from being erected on main Licking below the mouth of Fleming creek.

On the motion of mr. Owens : a bill for the relief of Robert D. Pierce.

And messrs. Parks, J. Garrard and Perrin, were appointed to prepare and bring in the former ; and messrs. Owens, Chapline and Bowman, the latter.

The said bills were presented, and severally read the first;

and the rule being dispensed with, they were severally read the second and third time;

Resolved, That the former bill do pass, and that the title be, an act preventing mill dams hereafter from being erected on main Licking, below the mouth of Fleming creek.

Ordered, That mr. J. Garrard do carry the said bill to the house of representatives, and request their concurrence.

The question was then taken on the passage of the latter bill, and it was resolved in the affirmative—Yeas 10—Nays 9.

The yeas and nays being required by messrs. Jones and Faulkner, were as follows, to-wit:

Those who voted in the affirmative are mr. Speaker, and messrs. Churchill, Chambers, Owens, Sharp, Simrall, R. Taylor, Waide, Welch and Yancey.

Those who voted in the negative are, messrs. Bartlett, Bowmar, J. Garrard, Jones, Perrin, Sebree, South, H. Taylor and Wood.

Resolved, That the said bill do pass, and that the title be, an act for the relief of John D. Pearce.

Ordered, That mr. Owens do carry the said bill to the house of representatives, and request their concurrence.

Mr. Bartlett presented the resignation of Thomas S. Wingate, as a justice of the peace for Henry county; which was ordered to be laid on the table, to-wit:

Henry County, February Court, 1817.

Thomas S. Wingate, a justice of the peace of Henry county, filed the following writing in court, to-wit:

To the County court of Henry county, Kentucky:

Gentlemen—I hereby resign my commission as a justice of the peace for said county, which is to be irrevocable by me. You are therefore directed to enter the same on the records of your court at the next February term.

I am, &c.

THO. S. WINGATE.

January 17, 1817.

As clerk of said court, I certify the foregoing copy to be truly taken from the order book of said court.

ROWLAND THOMAS.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives have passed the bill entitled, an act to incorporate the Lexington and Louisville turnpike road company; and to incorporate the Maysville and Lex-

ington turnpike road company, with amendments in which they request the concurrence of the senate. And then he withdrew.

The amendments were then, twice severally read and concurred in.

Ordered, That mr. Simrall inform the house of representatives thereof.

Mr. Faulkner from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills, and had found the same truly enrolled.

He also reported that the bills last signed had been presented to the lieutenant Governor on this day for his approbation.

Mr. Yancey from the same committee, reported that the committee had examined sundry enrolled bills of the following titles, and found the same truly enrolled, to-wit:

An act to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike road company; an act concerning the turnpike and wilderness road; an act to alter the time of holding certain courts in this commonwealth.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The speaker of the house of representatives having signed sundry enrolled bills; I am directed to lay the same before the senate for the signature of their speaker.

And then he withdrew.

Whereupon mr. speaker signed the said bills being the same reported by mr. Faulkner and Yancey to day, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation.

A message from the house of representatives by mr. M'Millan:

Mr. Speaker,

The house of representatives have adopted the following resolution, to-wit:

Resolved, By the general asssembly of the commnonwealth of Kentucky, that the public printers be, and they are hereby directed to print 1650 copies of the acts passed at the present session of the general assembly, and lodge them at the book bindery of messrs. Butler & Wood; whose duty it shall be immediately to bind said copies in substantial half binding, with leather backs, neatly lettered and rolled; who shall immediately after having completed the same, deposit them in

the secretary's office, to be distributed among the persons entitled thereto by law, and one to each principal sheriff and coroner; in which they request the concurrence of the senate. And then he withdrew.

The said resolution was then twice read and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

A message from the house of representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed a bill entitled an act for the appropriation of money; in which they request the concurrence of the senate. And then he withdrew.

The bill was then read the first time, and the rule being dispensed with, it was read a second time.

Mr. Faulkner moved to strike out so much of the bill as relates to refunding one hundred and fifty dollars to John P. Thomas, the treasurer, for counterfeit notes, which he had received in his office; and the question being taken on agreeing thereto, it was resolved in the affirmative—Yeas 14—Nays 13.

The yeas and nays being required by messrs. Faulkner and Wood, were as follows, to-wit:

Those who voted in the affirmative are, messrs. Bartlett, Churchill, Faulkner, Jones, Mason, Owens, Sebree, Sharp, South, Simrall, Thompson, Worthington, Wood and Waide.

Those who voted in the negative are, mr. Speaker, and messrs. Bowmar, Chambers, Griffin, J. Garrard, D. Garrard, Perrin, Parks, R. Taylor, H. Taylor, Wickliff, Welch and Yancey.

The bill was then further amended at the clerk's table, and the rule being again dispensed with, was read the third time with the amendments.

Resolved, That the said bill do pass as amended, and that the clerk inform the house of representatives thereof and request their concurrence in the said amendments.

A message from the house of representatives by mr. Wier

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act to alter the time of holding the circuit courts of Muhlenburg, Hopkins, Daviess and Ohio. And then he withdrew.

A message from the house of representatives by mr. Underwood:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act to increase the active capital of the bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscription on the part of the state. And then he withdrew.

Mr. Yancey from the joint committee of enrollments, reported that the committee had examined the two last mentioned bills and found them truly enrolled.

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, containing certain nominations, and official information that he did on this day approve and sign enrolled bills of the following titles, to-wit:

An act concerning the turnpike and wilderness road; an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased; an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jannett H. Beall, late of the county of Campbell; an act to alter the time of holding certain courts in this commonwealth; an act to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike road company.

Gentlemen of the Senate,

I nominate for your advice and consent, Joseph Parsons, major of the 75th regiment, in place of David Johnson, removed. Gurdon F. Saltinstall, of Scott county, agent of the Kentucky penitentiary. Benjamin Edrington, keeper of the state house and public square.

GABRIEL SLAUGHTER.

February 4th, 1817.

The said nominations were taken up, and severally read,

Resolved, That the senate advise and consent thereto, and that messrs. Thompson, Yancey and Worthington, acquaint the lieutenant governor therewith.

Ordered, That the clerk inform the house of representatives of the lieutenant governor's having approved and signed the bills last mentioned.

A message from the house of representatives by mr. Underwood:

Mr. Speaker—The speaker having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Whereupon mr. speaker signed the bills, being the last reported by mr. Yancey, to-day, and they were delivered to the

joint committee to be presented to the lieutenant governor for his approbation.

Mr. Yancey from the joint committee of enrollments reported that the committee had laid before the lieutenant governor the said bills accordingly.

A message from the house of representatives by mr. Mills:

Mr. Speaker—The house of representatives have adopted the following resolution, to-wit:

Resolved, By the general assembly of the commonwealth of Kentucky, that the resolution fixing the time for the adjournment of this general assembly for Tuesday, the fourth instant, be rescinded, and that the general assembly adjourn on Wednesday, the 5th instant, without day; in which they request the concurrence of the senate. And then he withdrew.

The resolution was then taken up and twice read; and the question being taken on concurring therein, it was resolved in the affirmative—Yeas 19—Nays 6.

The yeas and nays being required by messrs. Yancey and Faulkner, were as follows, to-wit:

Those who voted in the affirmative are, mr. Speaker, and messrs. Bartlett, Bowmar, Churchill, J. Garrard, D. Garrard, Hardin, Mason, Owens, Parks, Sebree, Sharp, South, Simrall, Thompson, R. Taylor, H. Taylor, Wood and Welch.

Those who voted in the negative are, messrs. Chambers, Faulkner, Jones, Perrin, Waide and Yancey.

Ordered, That mr. Simrall inform the house of representatives thereof.

And then the senate adjourned.

WEDNESDAY, February 5, 1817.

The senate assembled.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act to establish a hospital in the town of Louisville. And then he withdrew.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act concerning commonwealth's attornies. And then he withdrew.

A message from the house of representatives by mr. Mercer:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act for the benefit of David James and John Mitchison. And then he withdrew.

A message from the house of representatives by mr. Davenport:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act for preventing mill dams hereafter to be erected on Main Licking, below the mouth of Fleming creek. And then he withdrew.

A message from the house of representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed the bill from the senate entitled, an act for the relief of John D. Pearce.

And then he withdrew.

A message from the house of representatives by mr. Slaughter:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act for paying certain guards in this commonwealth. And then he withdrew.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act for the benefit of the heirs of Edmund Eggleston, junr. and Pumphrett Waller, deceased.

And then he withdrew.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act for the benefit of Hannah Gorham, and for other purposes. And then he withdrew.

A message from the house of representatives by mr. Yantis:

Mr. Speaker,

The house of representatives have passed a bill from the senate entitled, an act concerning ferries.

And then he withdrew.

Mr. Yancey and mr. Faulkner from the joint committee of enrollments, respectively reported, that the said bills had been truly enrolled.

A message from the house of representatives by mr. Fleming:

Mr. Speaker,

The Speaker of the house of representatives having signed sundry enrolled bills, I am directed to lay the same before the senate for the signature of their speaker.

And then he withdrew.

Whereupon the speaker signed the said bills, being those reported by the committee to-day, and they were delivered to the said committee to be presented to the governor for his approbation.

A message from the house of representatives by mr. Birney

Mr. Speaker,

The house of representatives concur in the amendments offered by the senate to the bill entitled, an act for the appropriation of money, except the 2d, 3d, 5th and 10th, to which they disagree. And then he withdrew.

The said amendments were then considered.

Resolved, That the senate recede from their said amendments, with an amendment to the the tenth.

Ordered, That mr. Simrall inform the house of representatives thereof, and request their concurrence.

A message from the house of representatives by mr. Love:

Mr. Speaker,

The house of representatives have passed the bill entitled, an act to repeal the law forming election precincts in Grayson and Breckenridge counties, with an amendment, in which they request the concurrence of the senate.

And then he withdrew.

On motion.

Ordered, That the subject be laid on the table until the first day of March next.

A message from the house of representatives by mr. Rowan:

Mr. Speaker,

The house of representatives disagree to the amendment offered by the senate upon receding from their tenth amendment to the bill entitled, an act for the appropriation of money. And then he withdrew.

The said amendment was then again considered.

Resolved, That the senate insist on the same with an amendment, and that mr. Simrall inform the house of representatives thereof, and request their concurrence.

A message from the house of representatives by mr. Rowan:

Mr. Speaker.

The house of representatives recede from their disagreement to the tenth amendment, and concur in the amendment offered by the senate thereto. And then he withdrew.

On the motion of mr. J. Garrard, leave was given to bring in a bill supplemental to an act to authorize the sale of part of the public square in the town of Harrodsburg, which being done, it was read the first time; and the rule being dispensed with, it was read the second and third times.

Resolved, That the said bill do pass, and that the title be, an act supplemental to the act to authorize the sale of part of the public square in the town of Harrodsburg.

Ordered, That mr. J. Garrard do carry the said bill to the house of representatives, and request their concurrence.

Mr. Churchill moved the following resolution, to-wit:

Resolved, By the senate and house of representatives, that a committee of two from the senate and four from the house of representatives be appointed to wait on his excellency the lieutenant governor and inform him that the general assembly have finished their legislative business and are ready to adjourn without day, and to know of him whether he has any further communications to make.

Which being twice read, and the rule dispensed with, was concurred in; and messrs. Churchill and Sharp appointed in pursuance thereof.

Ordered, That mr. Churchill inform the house of representatives thereof, and request their concurrence therein; and a similar appointment of a committee on their part.

A message from the house of representatives by mr. Wall:

Mr. Speaker,

The house of representatives have passed a bill entitled, an act to regulate the town of Falmouth; in which they request the concurrence of the senate. And then he withdrew.

The bill was read the first time and the rule being dispensed with, it was read the second and third times.

Resolved, That the said bill do pass, and that mr. J. Garrard inform the house of representatives thereof.

A message from the house of representatives by mr. Birney:

Mr. Speaker,

The house of representatives have passed the bill from the senate entitled, an act supplemental to an act to authorize the sale of part of the public square in the town of Harrodsburg.

And then he withdrew.

A message from the house of representatives by mr. Wier:

Mr. Speaker,

The house of representatives disagree to a bill entitled, an act for the relief of John A. Holliday.

And then he withdrew.

A message from the house of representatives by mr. Blackburn:

Mr. Speaker,

The house of representatives concur in the resolution for a recess of the general assembly.

And then he withdrew.

Mr. Faulkner and mr. Chambers from the joint committee of enrollments reported, that the committee had examined the bills and resolutions last mentioned, and found the same truly enrolled.

A message from the house of representatives by mr. Fleming:

Mr. Speaker—The speaker of the house of representatives having signed sundry enrolled bills and a resolution, I am directed to lay the same before the senate for the signature of their speaker. And then he withdrew.

Whereupon mr. speaker signed the same, and they were delivered to the joint committee to be presented to the lieutenant governor for his approbation; which mr. Faulkner having accordingly done;

The senate received a message in writing from the lieutenant governor by mr. Secretary Pope, containing official information, that the lieutenant governor had approved and signed the enrolled bills and resolutions which originated in the senate.

Ordered, That the clerk acquaint the house of representatives therewith.

The senate also received a message in writing from the lieutenant governor by mr. Secretary Pope, containing sundry nominations, to-wit:

Gentlemen of the Senate,

The act concerning commonwealth's attornies having expired on the 3d instant, doubts are entertained whether the commissions of the attornies heretofore appointed, have expired with it, so as to render new appointments necessary under the act this day approved, entitled, "an act concerning commonwealth's attornies." To obviate all difficulty upon this subject, I deem it proper to nominate for your approbation, William P. Roper, attorney for the commonwealth, for the 1st judicial district. Richard Southgate for the 2d, judicial district. George Shannon, for the 3d judicial district. James Blair, for the 4th judicial district. Charles A. Wickliffe, for the 5th judicial district. John P. Oldham, for the 6th judicial district. Samuel Work, for the 7th judicial district. Richard A. Buckner, for the 8th judicial district. Paul I. Booker, for the 9th judicial district. Samuel Hanson, for

the 10th judicial district. Henry Daniel, for the 11th judicial district. John Green, for the 12th judicial district.

GABRIEL SLAUGHTER.

February 5, 1817.

Resolved, That the senate advise and consent to the said nominations: and that messrs. Welch, Wickliff and Sebree, acquaint the lieutenant governor therewith.

Mr. J. Garrard moved the following resolution, to-wit:

Resolved, By the senate, that the secretary of the senate take charge of the books and papers of the senate, and that the sergeant at arms and door keeper, take charge of all other property of the senate that has been furnished by them respectively; which was twice read and agreed to.

Mr. Sharp from the joint committee appointed to wait on the lieutenant governor and inform him of the intended recess of the general assembly, and to know of him whether he had any further communications to make, reported, that the committee had performed the duty assigned them; and that the lieutenant governor had signified to them, that he had nothing further to communicate.

On the motion of Mr. Lancaster,

Ordered, That a message be sent to the house of representatives to inform them that the senate having finished the legislative business before them, are now about to close the present session by an adjournment on their part.

A message from the house of representatives by mr. Breckenridge:

Mr. Speaker—I am directed to inform the senate that the house of representatives having completed the legislative business before them, are about to adjourn without day. And then he withdrew.

Mr. Speaker, after having delivered an appropriate and impressive valedictory address, adjourned the senate—SINE DIE.